

DANVILLE PUBLIC SAFETY HEARING  
BOARD FOR TOWING AND RECOVERY OPERATORS

Tuesday, October 28, 2008  
6:00 p.m.

Institute Conference Center  
150 Slayton Avenue  
Danville, Virginia 24540

Reported by:  
Sheryl Smith, RMR

2

1

2 BOARD MEMBERS PRESENT:

3 RON MINER

4 CHARLES BROWN

5 WOODY HERRING

6 J. MARC COPELAND

7 RAY DRUMHELLER, BOARD CHAIRMAN

8 LIEUTENANT CURTIS HARDISON

9 SCOTT WYATT  
10 ROY BOSWELL  
11 GARY TETER  
12 ARCHIE ORR  
13 RAY HODGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

E X H I B I T S

(No exhibits were proffered.)

3

1 P R O C E E D I N G S

2 (Start time 6:35 p.m.)

3 R. DRUMHELLER: I'd like to welcome  
4 everybody here tonight. This is your meeting.  
5 This is your opportunity to ask questions, to  
6 put the heat on us, which already has been  
7 done. But I would like to welcome every one of  
8 you here. I'm going to start over to my right  
9 and let the board members introduce themselves.

10 R. MINOR: Ron Minor. I'm from northern  
11 Virginia.

12 W. HERRING: Woody Herring from Sudley  
13 Springs, northern Virginia.

14 J. M. COPELAND: Marc Copeland.  
15 R. DRUMHELLER: Ray Drumheller, Chairman  
16 of the Board.  
17 LT. HARDISON: My name is Curtis Hardison.  
18 I'm with the Department of the Virginia State  
19 Police assigned to the Tidewater area.  
20 S. WYATT: Scott Wyatt and I'm from  
21 Hanover.  
22 R. BOSWELL: Roy Boswell.  
23 G. TETER: Gary Teter, Exxon.  
24 A. ORR: Archie Orr, Virginia Citizen  
25 Party.

4

1 R. DRUMHELLER: Thank you, gentlemen. A  
2 little housekeeping I guess. We're not sure  
3 about the mikes here. We're going to start out  
4 when you have comments by having you stand  
5 where you are. Hopefully, the mikes in the  
6 ceiling will pick it up. If not we'll ask you  
7 to come down to the podium. We do have a court  
8 reporter tonight. Everything you say will be  
9 recorded. And we'll go on record.  
10 We're not here to debate. We're here to  
11 hear your comments and to answer your questions  
12 when we can. And I know there's questions  
13 already from Nick as to how come it wasn't  
14 publicized. We publicized it everywhere that  
15 we feasibly could. It was on Town Hall. It  
16 was on BTRO's website. And I didn't check 411.  
17 Sometime usually -- 411 it's usually on there.  
18 The Commonwealth's calendar.  
19 With the finances we cannot afford to

20 mail out notices to everybody. Just cost  
21 prohibitive. So we ask you to take some  
22 responsibility, you know, and talk to people,  
23 call, find out what's going on.

24 At this time I'm going to turn the meeting  
25 over to -- one other thing I want to say. One

5

1 of the biggest controversies that we hear is  
2 public safety towing. And the biggest  
3 controversy on that is the equipment list that  
4 got circulated around that got everybody all  
5 shook up; two large wreckers, a rocker and  
6 rollback.

7 Well, I have disagreed with that from the  
8 start and it will be my recommendation to this  
9 Board that we stick to minimum regs as the  
10 General Assembly instructed us, to do not put  
11 anybody out of business. And that minimum  
12 regs, in my opinion will be one truck, be it  
13 large or small. And I know there is a lot of  
14 coverts that can't afford to buy another big  
15 truck.

16 I'm sorry, I was told I couldn't be heard  
17 in the back. But it will be my recommendation  
18 to this Board that as far as that part of the  
19 public safety towing under the equipment, that  
20 we only require one truck. With that I'm going  
21 to turn it over to Marc.

22 J. M. COPELAND: Thank you, Mr. Chairman.  
23 Can everybody hear me? Good. I just want to  
24 thank y'all for being here in taking your time

25

this evening and coming here and letting us

6

1 know how you're feeling about public safety  
2 towing. I just want to emphasize that is what  
3 we're here for. We want to hear initially the  
4 comments that relate to your views and issues  
5 and concerns about public safety towing.

6 As the meeting progresses and we feel  
7 that those comments have been exhausted, we're  
8 certainly happy to entertain any other  
9 questions at that point. But preferably let's  
10 start off with anything dealing with public  
11 safety towing. In other words tows that are  
12 requested by law enforcement.

13 So as we said, as the chairman said, we'll  
14 start with you at your place, if you can stand,  
15 announce who you are and who you represent, and  
16 give your comment. We'll call on you one at a  
17 time. And if it comes down to the court  
18 reporter having issues in hearing and  
19 transcribing that, then we'll have you come  
20 down to the podium and make your comment there.  
21 But we'll start out with the auditorium as our  
22 podium. Who is the first? Gentleman right  
23 here.

24 ED KIEFER: Ed Kiefer, Richmond Towing.  
25 Just how you're going to police the people that

7

1 aren't probably licensed like we're all trying  
2 to do? Who is going to police that part to see  
3 to it and the people that aren't going to do it  
4 -- do what we're doing? Do you understand?  
5 Did I make myself clear.

6 R. DRUMHELLER: We'll have compliance  
7 officers on staff. We do not have any yet and  
8 it will be probably first of the year before we  
9 have the first one. But we'll have compliance  
10 officers to help everybody get into compliance.

11 MR. KIEFER: This is all as of the first  
12 of the year?

13 R. DRUMHELLER: Yes.

14 J. R. COPELAND: And if I could add,  
15 Mr. Chairman, I've had many discussions and  
16 that question has been asked by many others  
17 across the state and through telephone  
18 conversations one on one. I actually talked  
19 about that today with a gentleman that's here  
20 tonight.

21 This is not an overnight sensation. We're  
22 going to have to take some time to get up to  
23 speed. That's what we're doing right now.  
24 We're in the licensing process so that folks  
25 are licensed and have their authorization

8

1 documents by January 1st of '09. Those who  
2 are not in compliant at this point, we're going  
3 to try to get them in compliance. We'll take  
4 each step at a time. And we're certainly going  
5 to be striving to do what you've asked about

6 level playing fields, play by the rules, by all  
7 means possible.

8 R. DRUMHELLER: He says that so much  
9 better than I do. Gentleman -- right, we see  
10 him.

11 W. HAIRSTON: William Hairston. Are we  
12 going to have some kind of stickers or  
13 something to put on our trucks, you know, to  
14 say that we've already got approved? Are we  
15 going to have some kind of sticker, do you  
16 know?

17 J. M. COPELAND: Yes. Just so you know,  
18 the application for operator license you will  
19 be sending back, once approved, assuming that  
20 those qualifying -- and I'm sure most people if  
21 not all people in this room are going to  
22 qualify. You would be sent back a license and  
23 decals representing the number of trucks that  
24 you registered with. Those decals will be  
25 identified by the license type that you've

9  
1 indicated you're going to be licensed as. So  
2 they will be coming back to you. We expect the  
3 first of those to go out by the end of  
4 November.

5 WILLIAM HAIRSTON: Thank you.

6 R. DRUMHELLER: Way up at the top.

7 JEFF CHOWER: Jeff Chower, Halifax Auto.  
8 Where have the proposals or idea for the public  
9 safety requirements, where are they located?  
10 Are they on the website or have they been  
11 published anywhere yet?

12 R. DRUMHELLER: No, there are at this  
13 moment no public safety regulations. We don't  
14 have a working sheet or anything. We won't get  
15 into those until after the first of the year.  
16 We just want to hear what you guys -- what your  
17 opinions are before we start that.

18 There were some earlier suggestions and  
19 there was a list put out but that's -- we're  
20 starting over clean on a clean slate as far as  
21 public safety towing. Thank you.

22 DAVID YOUNG: David Young, Jones  
23 Automotive. There was a meeting saying that  
24 everybody that pulls a vehicle for hire has to  
25 be licensed. Is it just the police safety

10

1 towing or for anybody?

2 R. DRUMHELLER: That comes under the  
3 general regs. Everybody that tows has to have  
4 a license. The public safety or law  
5 enforcement tows will be another set of  
6 regulations. But in the general regs, everyone  
7 that tows for hire has to have a license.

8 DOUG JACOBS: My name is Doug Jacobs,  
9 Virginia Diesel. And I want to ask you said  
10 that a minimum of one truck. If they're on  
11 class A license, is there a minimum requirement  
12 for that one truck?

13 R. DRUMHELLER: Yes, there would be.

14 DOUG JACOBS: And what is that? I mean,  
15 in other words a minimum weight requirement?

16 R. DRUMHELLER: We haven't got even into

17                   that yet.  
18                   R. MINER:   What would he suggest?  
19                   R. DRUMHELLER:  They want to know what you  
20                   suggest?  
21                   DOUG JACOBS:  Me?  Got to have something  
22                   to haul a trailer not just a wrecker.  A state  
23                   police hauling and that's the reason why, you  
24                   know, the requirement and everything.  
25                   R. DRUMHELLER:  That's what we're here

11

1                   for.  
2                   DOUG JACOBS:  I just wondered.  
3                   R. DRUMHELLER:  What do you consider a  
4                   minimum?  
5                   DOUG JACOBS:  You got to have something  
6                   that's big enough to tow a tractor-trailer, 25  
7                   ton.  A 20 or 25 ton that's got enough capacity  
8                   to do that not 2,500 to tow a tractor-trailer  
9                   that's the one of the reasons why I wonder.  
10                  R. DRUMHELLER:  Thank you.  
11                  DON ELLINGTON:  My name is Don Ellington,  
12                  Franklin's Garage in South Boston.  If I read these  
13                  regulations correctly, if you run large wreckers and  
14                  small wreckers, you're going to have to register as  
15                  a Class A and Class B and pay for two licenses.  
16                  R. DRUMHELLER:  No, that's negative.  
17                  MR. ELLINGTON:  Okay.  
18                  R. DRUMHELLER:  If you're a Class A tower,  
19                  you're automatically Class B.  
20                  MR. ELLINGTON:  I was told by the people  
21                  in Richmond when I called if you own both size  
22                  wreckers, you got to be licensed on both sizes.

23 You know, how do you determine? Half my people  
24 can do A and half of them can do B.

25 R. DRUMHELLER: No, no. If you're Class

12

1 A, you're covered for Class B automatically.

2 J. M. COPELAND: And, Mr. Chairman, I  
3 don't know the gentleman. I don't know if I  
4 talked to this gentleman and answered his  
5 question. But if I did, I do apologize for  
6 misleading you. I've been on board since  
7 August 13th and coming up to speed.

8 So if you called me early on, I would have  
9 answered that way. If you called me now,  
10 you're going to get the same answer, my  
11 apologies. Can I get your last name, please,  
12 sir?

13 MR. ELLINGTON. Ellington.

14 J. M. COPELAND: Ellington.

15 J. HOGAN: I was told the same thing  
16 Donnie was told. You have to buy both permits.  
17 I called up at Richmond and asked about it.  
18 They said you have to have an A permit and a B  
19 permit.

20 R. DRUMHELLER: Well, Mr. Copeland just  
21 explained that. He's new with the board. Just  
22 came on mid-August and he may have  
23 misrepresented that but that's never been our  
24 intention. If you're A class, you're  
25 automatically Class B. Sir, can you tell us

13

1 who you are?

2 J. HOGAN: J. J. Hogan's Towing.

3 M. RIGGINS: I'm Matt Riggins for Matt  
4 Riggins in South Boston, I would like to know,  
5 since we have all these rules and regulations,  
6 you said we have to have the licenses by  
7 January '09, is that correct?

8 R. DRUMHELLER: That is correct.

9 M. RIGGINS: Why isn't it the same law as  
10 I have it printed right here that nothing can  
11 be done about it until 2010?

12 R. DRUMHELLER: You're talking two  
13 different things. General regs -- there will  
14 be two sets of regs. General regs go into  
15 effect January the 1st of '09. Law enforcement  
16 towing or public safety towing was tagged will  
17 go into force January or July 10th?

18 J. M. COPELAND: July 1st.

19 R. DRUMHELLER: July 1st of 2010.

20 M. RIGGINS: In other words, you have to  
21 have a license but what can be done about it?  
22 The way I read it there's nothing to be done  
23 about it enough to get the license in 2010.

24 R. DRUMHELLER: General regs covers the  
25 licensing. That goes into effect the first --

14

1 January the 1st of '09. You have to have a  
2 license by then.

3 M. RIGGINS: Right. Okay. How many

4 trucks -- now they draw this line of 26,000  
5 pounds, which I think is ridiculous, because if  
6 you're over 26,000, you got to have different  
7 tags and if you're under 26,000, no. Okay, I  
8 got seven tow trucks. I got one that's over  
9 26,000 pounds. Okay, does this throw me in a  
10 Class A or Class B operation?

11 R. DRUMHELLER: Throws you in a Class A  
12 which covers you for a Class B, also.

13 M. RIGGINS: All right. Now, suppose the  
14 state police or something see me as a Class A  
15 operator and they call me to come out and where  
16 there's an accident and see I can't do it.

17 R. DRUMHELLER: Your fleet sounds about  
18 like mine. I've got a 16 ton, everything else  
19 is smaller. I'm not on the large truck towing  
20 list. I would be classed for public safety  
21 towing.

22 M. RIGGINS: But you would fall under  
23 Class A license?

24 R. DRUMHELLER: It's going to be  
25 distinguished. I'm not sure how we're going

15

1 to do it yet.

2 M. RIGGINS: Well, I'll buy the Class A  
3 cheaper and than I can do Class B and I mean  
4 I'll be paying less money.

5 M. DRUMHELLER: Class A and Class B right  
6 now is just for licensing. When we get into  
7 the public safety towing, it will have -- your  
8 Class A will have a different --

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
16  
  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

R. MINER: Endorsement.

M. DRUMHELLER: Endorsement attached to it because your Class B will --

M. RIGGINS: Okay. I was told in Richmond that the DOT number will not be anything. We're going to do away with it.

M. DRUMHELLER: We don't have anything to do with DOT numbers.

M. RIGGINS: I talked with a lady that worked DRO, and she told me -- and I have a witness -- a State Trooper standing there. She said we're doing away with that. You don't have to get them anymore.

R. DRUMHELLER: Can you speak up a little bit.

M. RIGGINS: She told on the phone -- a state trooper was standing there listening to

her and heard her say we're going to do away with those. You're not going to need those anymore. Also, she told me -- not at this time she told me but I had been told before, not by her, but by the last meeting that we had the T-tags they're going to do away with those. And that's what they were for wrecker trucks. That's why we put the WT on them.

M. DRUMHELLER: I will let Mr. Hardison speak to that.

LT. HARDISON: I'll be glad to. As far as the DOT numbers, sir, the Board of Towing and Recovery does not have anything to do with that. That has nothing, you know, that's a

15 federal guideline. Has nothing to do with this  
16 state issue on that.

17 Secondly, and I'm going to go back for  
18 just a moment to your if you had wrecker truck  
19 26,000 and one, just because you had a vehicle  
20 that was a Class A, does not automatically put  
21 you on the large towing list for the state  
22 police. That we would actually have to come  
23 out and inspect it and put you on the wrecker  
24 -- the large wrecker list on rotation for that.

25 And, thirdly, as far as the WT tags are

17

1 concerned, that is a requirement to be on the  
2 state police list, however, the WT tags are  
3 through DMV. And as far as doing away with  
4 them, the BTRO does not have anything to do  
5 with doing away with or any licensing of the WT  
6 tags as of now.

7 Will DMV do something in the future, I do  
8 not know and cannot speak on behalf of DMV.  
9 But as of right now, you still have to have a  
10 WT tag to be on the State Police wrecker list.

11 M. RIGGINS: Thank you. One other  
12 question if I may, to me we are the tow truck  
13 drivers. These folks -- most of them that I  
14 know of right here that I know personally, I  
15 have been in business 41 years. And they're  
16 saying now that you are grandfathered in the  
17 business if you have been in business since  
18 2006.

19 And for the length of time I have been in

20 business, first of all, I've seen truckers that  
21 got HAZMAT signs that should be thrown out in  
22 my way of saying. I may be wrong. Next thing  
23 if a man has been in business for that long if  
24 he doesn't know how to tow, I don't think  
25 there's no hope going to school. Nothing's

18

1 going to help him.

2 Next thing is when we have, just like  
3 myself, I can't afford to hire men. This thing  
4 is being run seriously by northern Virginia.  
5 Northern Virginia has people they come in and  
6 bring their lunch and do nothing. And get in  
7 that truck and ride all day long. And they get  
8 paid for towing cars -- zip, zip, zip, zip,  
9 zip, towing cars. That's great.

10 Where we may even have three or four a  
11 week. And to me you're charging -- this whole  
12 thing it stems off of somebody getting upset  
13 with somebody else in the towing business in  
14 northern Virginia. It was not about us poor  
15 fools down here. We just don't do that. We  
16 can't go there and act disrespectful to a  
17 customer. We don't do it.

18 Y'all are charging us for something in  
19 northern Virginia -- that happened in northern  
20 Virginia, and this is not going to stop that.  
21 Not going to stop that if somebody made a  
22 mistake up there. I couldn't have a driver and  
23 somebody else couldn't have a driver that made  
24 a mistake. But the next thing is we know most  
25 of our people. We know most of them and we

19

1 deal with them every day.

2 And also, if they're -- they work another  
3 job and come do drive with us at night and we  
4 got to buy a license for every one of them.  
5 And the next thing if a man rides with me -- if  
6 Donnie's got a wrecker and he needs some help,  
7 can I go and work for Donnie that night off of  
8 his driver's license -- off of his endorsement?

9 M. DRUMHELLER: Yes, the driver -- the  
10 endorsement belongs to him, not the company.  
11 So he can drive for two different companies if  
12 he chooses to.

13 M. RIGGINS: Okay, thank you. But in  
14 saying all that, I think we're being charged  
15 this a way -- and I honestly feel this way and  
16 I'm sorry if you get upset, but I feel like  
17 you're doing nothing but charging us money for  
18 something and we're having a hard time now in  
19 business. And we're trying to live and let  
20 live. And you are making us charge people, our  
21 customers, more money to be able to pay this  
22 because we're barely getting by right now.

23 R. DRUMHELLER: I appreciate your  
24 opinion.

25 M. RIGGINS: Thank you.

20

1 J. CHANDLER: Jeff Chandler, Halifax Auto.  
2 Are you still planning to doing the  
3 fingerprints every three years.

4 M. DRUMHELLER: As it stands right now,  
5 yes.

6 E. GEORGE: Another question and he made  
7 me think of it and Will said something about  
8 it. I just got started in southern Virginia.  
9 What is the reason for this and all these fees  
10 we have to pay. It is unfair. It ain't like  
11 northern Virginia where these wrecker companies  
12 have all these multiple drivers and trucks.  
13 How did all this get started and put on us down  
14 here and why?

15 R. DRUMHELLER: The General Assembly got  
16 tired of hearing wrecker companies -- wrecker  
17 operators coming in and complaints coming in  
18 and they had a study under Senator O'Brien to  
19 determine what to do. And this study came out  
20 with the regulation thing that tow operators  
21 needed to be regulated.

22 You can't just regulate one part of the  
23 state. It's a statewide deal. Maybe somebody  
24 else could answer that.

25 E. GEORGE: Another part of the question

21

1 why not find out who is breaking the rules and  
2 making people mad and come down on them? Why  
3 spread it over the whole state?

4 R. DRUMHELLER: Come out about somebody's  
5 got to pay for it.

6 E. GEORGE: Why do we have to pay for it?

7 R. DRUMHELLER: We're the industry.

8 E. GEORGE: We're a struggling industry.

9 I don't know about the rest of these people.

10 R. DRUMHELLER: You got that right.

11 E. GEORGE: Struggle every day to keep my  
12 trucks running and all these extra fees and  
13 fines put on us. And what's with the  
14 regulations on how much we're going to be  
15 allowed to tow? Is that part of this? I  
16 remember reading something about that. I don't  
17 know where I read it. Are they going to tell  
18 us how much we can charge?

19 R. DRUMHELLER: No, the only fees that are  
20 set by the state. This board has no intention  
21 of setting fees. The only fees that are set by  
22 the state right now were set by the General  
23 Assembly, which is \$125 max for private  
24 property towing. Next.

25 FROM THE FLOOR: Wasn't it Senator

22

1 O'Brien's daughter whose car got towed and  
2 started all this mess we're here for?

3 R. DRUMHELLER: Yeah, I really don't know.  
4 I heard that story, too, just like you have.

5 FROM THE FLOOR: So this problem started  
6 in northern Virginia in Fairfax, next to Woody,  
7 and it's linked all over the State of  
8 Virginia.

9 R. DRUMHELLER: I was just informed it was  
10 his wife.

11 FROM THE FLOOR: Wife, okay. But one

12 situation has put it on the whole state's  
13 towing company owner's shoulders.

14 R. DRUMHELLER: Not exactly. There were  
15 other situations in northern Virginia --  
16 predatory towing. Towers up there would  
17 actually take a yellow stripe out to private  
18 property and put it in front of somebody's  
19 tire, take a picture of it, tow the car and  
20 pick the yellow stripe up. And it was that  
21 sort of predatory towing that has brought a lot  
22 of this on.

23 FROM THE FLOOR: I have another question.

24 COURT REPORTER: Could I have your name?

25 N. SAPOUNAKES: Nick Sapounakes,

23

1 S-a-p-o-u-n-a-k-e-s. On the state police large  
2 rotation, do they have any guidelines that they  
3 govern this by or is it at the opinion of the  
4 sergeant or first sergeant for that particular  
5 area?

6 LT. HARDISON: Right. Sir, right now  
7 each division has their own guidelines. The  
8 state is cut up in seven divisions. This being  
9 the 6th Division, which is run out of Roanoke.  
10 And in each division there are several areas.  
11 This being area 43, which is Pittsylvania  
12 County, which is one of the largest counties in  
13 the state.

14 The first sergeant is charged with --  
15 excuse me, the first sergeant is charged with  
16 setting up the zones in his area, however he or  
17 she sees fit to do it. And then those zones

18 are a guideline that they use to put whatever  
19 wreckers in place that they actually have and  
20 then the large -- and your question was about  
21 the large wreckers, however they deem to where  
22 their boundaries are, are how the large  
23 wreckers actually go.

24 Now, I came from Sussex to Surry County at  
25 one time as well as working Hampton and Newport

24

1 News as well as being a lieutenant in the 1st  
2 Division, which is the Richmond area in charge  
3 of all the wreckers there. And now in charge  
4 of all the wreckers in the Tidewater area. I  
5 have had a vast working relationship over  
6 almost twenty years of dealing with the towing  
7 industry itself.

8 But the first sergeant actually sets the  
9 parameters for each area that they have across  
10 the state.

11 N. SAPOUNAKES: Thank you.

12 E. GEORGE: I want to ask you something  
13 else, Ray, about what you said they got  
14 predatory towers. If they know that, why  
15 isn't the state police going after the  
16 predators and leave us, the legals, alone.

17 LT. HARDISON: They have been.

18 E. GEORGE: I mean, if they know this is  
19 happening and they're taking pictures of it and  
20 they know where the problem lies, it ain't  
21 happening here.

22 LT. HARDISON: Sirs, I'd like to thank

23                   everybody for coming tonight. And it is not a  
24                   light-hearted subject to me on behalf of the  
25                   Superintendent of the State Police. Somebody

25

1                   is doing that and it is reported to us, to the  
2                   state police. To me, that's an exact same  
3                   thing as larceny. You're stealing the car.

4                   E. GEORGE: Right.

5                   LT. HARDISON: And if it's reported to us  
6                   as a larceny, then we'll enforce it as such.

7                   E. GEORGE: So how does that get put on  
8                   us? You know where it's happening. You know  
9                   who is doing it. Why are we paying these fees  
10                  now down here and paying the price for what  
11                  somebody else in another area did?

12                  Why not deal with the person that's  
13                  breaking the law instead of spreading it  
14                  throughout the state. How much money from the  
15                  people in this room when you can go after one  
16                  guy, nail him and that solves the problem.  
17                  Take his license. Take his truck away, you  
18                  know.

19                  J. M. COPELAND: Mr. Chairman, as I  
20                  understand the rationale behind the law, there  
21                  was a full study that went on a year. There  
22                  were multiple meetings where there was  
23                  testimony heard from law enforcement and  
24                  various jurisdictions. The legislation that  
25                  we're dealing with here we're regulating an

1 industry for the first time, basically, and  
2 your question is why is that.

3 Part of that has to do with the fact that  
4 there was testimony at these meetings about the  
5 predatory towing but there were, also, other  
6 customer issues that came up, citizen  
7 complaints, private-property towing issues.

8 There was such a gauntlet that when it  
9 came down to the General Assembly, regardless  
10 of the nexus of the bill, it was approved by  
11 the General Assembly to regulate the towing  
12 industry.

13 But let me just add that it is being  
14 regulated by the towers themselves. Hence, in  
15 any licensing scheme where that occurs, such as  
16 with the motor vehicle dealers of this state,  
17 that's the only other one that I know of other  
18 than perhaps the Board of Accountancy. There  
19 is a licensing process. There is a process in  
20 which there are fees associated with that  
21 licensing. It helps level the playing field.

22 It is a typical paradigm for being able to  
23 regulate anyone. You have to have a license to  
24 be regulated. You have to have an  
25 authorization to drive your vehicles. These

1 are all very standard type practices whether it  
2 comes to regulating an entity or profession  
3 such as this.

4                   So in terms of, you know, this came out of  
5 thin air, it came out of a study subcommittee.  
6 And it came out of a desire of the General  
7 Assembly to regulate this towing industry. And  
8 the good news for everybody in this room is you  
9 got nine towers on this board. You got three  
10 citizens members and you've got three members  
11 from state agencies including the DMV, state  
12 police, and Agriculture Consumer Services,  
13 which deals with the Office of Consumer  
14 Affairs, which deals with, among other things,  
15 towing issues.

16                   So essentially you have towers regulating  
17 towers, and that is a remarkable accomplishment  
18 in anyone's book if you look around at how  
19 entities are regulated. Hopefully, that  
20 explains a little bit more about the  
21 generalities of why this is the program that  
22 you're facing at this point.

23                   As far as the fees, the fees were  
24 established by this board based on the  
25 information they received in soliciting input

28

1 from the towing industry across the state to  
2 try to garner how many were out there and set  
3 appropriate fees in order to be able to operate  
4 as a regulatory board.

5                   Now, will those fees be looked at in the  
6 future? Of course, they're going to be looked  
7 at by the General Assembly. They're going to  
8 be looked at by the board.

9                   Now, obviously, no one wants to overcharge

10 an industry if there's no need to. So they  
11 will have to be looked at in the long run. But  
12 right now the fees are what they are and, you  
13 know, we're hopeful that they will carry us  
14 through to get us to where we need to be to  
15 operate.

16 E. GEORGE: Well I'm not sure that really  
17 answers what I want to know. We're all  
18 licensed. We all have business licenses.  
19 We're all in business. Everybody in this room  
20 has probably been in business five or ten years  
21 or more. I know I have. When was the study  
22 done? Because nobody called and asked me my  
23 opinion on the fees and regulatory fees that  
24 had to go on. Why the problems that happened  
25 there weren't dealt with by the police and

29

1 taken care of instead of being spread all over  
2 the rest of county -- the rest of the country  
3 -- the state?

4 J. M. COPELAND: Again, this is if there  
5 are -- it's not just a localized situation.

6 E. GEORGE: Where else did it happen  
7 besides there?

8 J. M. COPELAND: As I understand it, it  
9 happens anywhere.

10 FROM THE FLOOR: Roanoke, Virginia I'll  
11 say it. I ain't scared to say it.

12 J. M. COPELAND: Tidewater.

13 R. DRUMHELLER: Tidewater area.

14 J. M. COPELAND: Richmond area. Again,

15 the nexus of this -- the reason why one senator  
16 may have pursued this is irrelevant in the  
17 sense that it was approved by the entire  
18 General Assembly. And that's what it comes  
19 down to.

20 E. GEORGE: I guess the fact that  
21 politicians were involved screwed that up from  
22 the getgo.

23 R. DRUMHELLER: Well, it was towers  
24 involved, too, when we were told what the  
25 politicians were going to do. The two

30

1 associations that were in existence at this  
2 time are the ones that got the board made up of  
3 towers rather than having somebody like DMV or  
4 some other government agency doing the  
5 regulations for us.

6 LT. HARDISON: This lady.

7 J. ROLLINS: Judy Rollins, Jerry's Auto  
8 Shop. We seem to be entertaining this board  
9 tonight. I'm sitting here watching the faces  
10 of these people, and they seem to think we're  
11 amusing here in southern Virginia because  
12 nobody bothered to contact us with any of these  
13 new rules and regulations. Nobody decided that  
14 we needed to know any of this stuff until last  
15 minute. How many of the board members here are  
16 from southern Virginia? Nobody. Okay, sir,  
17 where are you from?

18 C. BROWN: Salem.

19 J. ROLLINS: Salem. That's still northern  
20 Virginia to us. Salem still has big towing.

21 Nobody on this board is from this area. Nobody  
22 on this board that has spoke up and said  
23 anything is from this area would understand we  
24 are mom-and-pop operations.

25 We do not need the fees -- extra fees for

31

1 this towing. What we tow -- by the time we  
2 take expenses out -- will not even cover the  
3 licenses and fees that y'all are requiring us  
4 to pay. And y'all cannot answer the questions  
5 for a lot of the questions that are being asked  
6 tonight because nobody knows what's going on.

7 So why put before us a thing that says we  
8 have to be licensed in a couple of months when  
9 nobody on the board seems to know what's going  
10 on to answer the questions? There's been more  
11 than one question asked tonight that nobody  
12 knows the answer to so why put it before us  
13 tonight that we have to pay a fee to be  
14 licensed within a couple of months that we  
15 already have a license to do a job for now?  
16 Why not just waive the fees, redo this thing or  
17 just let it drop altogether. Thank you.

18 R. DRUMHELLER: We don't have the choice.  
19 We were appointed by the General Assembly. We  
20 operate under the direction of the General  
21 Assembly and the Governor. What questions have  
22 we not answered?

23 J. ROLLINS: It just seems that nobody  
24 listens to us. We're not even being heard  
25 here.

32

1           R. DRUMHELLER: That's what we're here  
2 for to hear your views.

3           J. ROLLINS: But you're not answering  
4 questions.

5           R. DRUMHELLER: Again, what questions have  
6 we not answered?

7           J. ROLLINS: Well, this man asked a  
8 question. Well, I was told when I called they  
9 wanted to take sexual offenders out of the tow  
10 trucks. Well, fine, do regulations to take  
11 sexual offenders out of tow trucks. But if you  
12 do not know who these people are, they're not  
13 already been caught you can't take them out of  
14 a tow truck.

15           The astronomical fees people charge. We  
16 know the area and you know everybody and you  
17 try to work with the person in charge what is  
18 required or what you think they can afford to  
19 pay. We try not to charge astronomical fees  
20 around here.

21           Basically, to me from reading all this  
22 stuff, what little bit of information that we  
23 have received, it's basically pay your fee,  
24 fill out your application form. If you're  
25 qualified, you will get your license. If not,

33

1           you're still not going to be refunded your

2 money. You're just turned down flat. That's  
3 just my opinion.

4 R. DRUMHELLER: The man beside you.

5 J. BEALE: John Henry Beale, Beale's Auto  
6 Repair. I asked that question why -- like I  
7 said, how can y'all tell us how much to charge?  
8 In several instances, I'm on the southern end  
9 of Halifax. Jeff and there's another one,  
10 we're all kind of center. But on the southern  
11 end, you get a call to go to southern end and  
12 it costs us more fuel and time to run on the  
13 northern end of Halifax, then we're on the  
14 state trooper's list.

15 The state trooper calls us and we have to  
16 sometimes go to the northern end when our  
17 rotation comes around. And if y'all set a  
18 price for us, how can y'all regulate our fuel  
19 bill and our time and whatever it costs us to  
20 go to the north end and stay in town and pick  
21 up? How can y'all?

22 R. DRUMHELLER: As I have stated earlier,  
23 this board has no intentions of telling you  
24 what you can charge. And as far as I know, the  
25 state has no intentions of telling you what you

34

1 can charge.

2 J. BEALE: But I thought you were saying  
3 where someone else out there is overcharging  
4 people, and this is what y'all are trying to  
5 set a standard on. If there's one's out there  
6 overcharging, they are the one the officer, the

7 state trooper, the sergeant on the rotation  
8 list can deal with that individual instead of  
9 bringing everybody else innocent here.

10 LT. HARDISON: Mr. Chairman, Mr. Beale,  
11 the board's not set a standard fee of what the  
12 towing industry can charge. I'll give you an  
13 example. I deal with wrecker complaints.

14 We'll get to you in just a second, sir. I  
15 deal with wrecker every day in the Tidewater  
16 area. Some of them having to deal with  
17 overcharging. You, for instance, if you had to  
18 go from one end of Halifax to another and the  
19 towing bill was -- say, it was \$150 because of  
20 fuel costs or \$175 for whatever reason, more or  
21 less. And one were to call in about that, I  
22 would say that's reasonable.

23 But now if someone is to charge say \$650  
24 and they just moved it a mile down the street,  
25 a small Class-B towing, that would be something

35

1 that would be possibly be called into the board  
2 or in to the state and we do look into them on  
3 a case-by-case basis on behalf of the state  
4 police only.

5 I can only speak on behalf our department,  
6 and we do deal with that. But your question  
7 just is, as I understand it is, is the board  
8 going to set fees, set a cap of what you can  
9 charge. And the answer to that is, no, sir.

10 Does that answer your question?

11 J. BEALE: Partially, yeah.

12 LT. HARDISON: Partially. Well, if they

13 call in again for a tow that's two to three  
14 miles down the road and, you know, they charge  
15 \$2,500 to charge a Hyundai, you know, that  
16 could be something to be looked into that was  
17 -- say, that was an excessive charge to where  
18 other companies would only charge \$125.

19 J. BEALE: But eventually the insurance  
20 people they will know the individual that's  
21 overcharging and they would turn that person in  
22 or whatever.

23 LT. HARDISON: That is correct and that's  
24 how we deal with it now.

25 R. MINER: If it was a insurance

36

1 question. What if it was a DUI arrest and the  
2 insurance company is not involved but the  
3 person goes to pick up their car and the tow  
4 truck operator says that's \$500. And then they  
5 say, okay, and go get the \$500 and come back  
6 with the money the next day and now they got a  
7 storage charge of \$3,000. And I'm making up my  
8 numbers here. And that's why the board was set  
9 up because that kind of stuff was going on.

10 People were getting a perfectly good  
11 charge and getting a storage charge put on for  
12 no good reason. And those kinds of complaints  
13 are what people were calling into their local  
14 representatives because the General Assembly  
15 had a whole committee that looked at it. And  
16 that's why the commission was set up.

17 There is not a single person on this board

18           that I'm aware of that -- well, I don't know  
19           Mr. Drumheller might have an objection to those  
20           initial studies, but the bulk of us were called  
21           up and asked if we wanted to serve. So the  
22           regulations were already in place.

23                     What you need to do, if you don't like the  
24           board, you need to go to your local  
25           representative and say that. But right now

37

1           we're are charged with coming up with the  
2           general regulations that were put into effect  
3           on October 15th. And now we're asking for  
4           comments for the public safety regulations.

5                     FROM THE FLOOR: But when you said people  
6           called in for DUI, you know, 90 percent of the  
7           time the officer will tell you I'm impounding  
8           your vehicle 30 days. When you impound 30  
9           days, they know they got to be storage fees.

10                    R. MINER: Sure. I'm talking about people  
11           going back the next day, got out of jail. The  
12           initial tow was some exorbitant amount of  
13           money, and they had to go and get the money.  
14           And when they came back the next day, there was  
15           another exorbitant charge because there was no  
16           regulation, nobody overseeing.

17                    Kind of like your insurance company with a  
18           doctor. The doctor charges an amount for an  
19           x-ray and it goes to the insurance company.  
20           That's the regulatory agency, basically, that  
21           says, no, that's not a common and customary  
22           charge for that. That's what the board was set  
23           up to do so both the towers and individuals

24 would have a place to go.

25 FROM THE FLOOR: So you're still saying

38

1 the board will have a regulation on how much  
2 you can charge.

3 R. MINER: No, the board would entertain a  
4 complaint from either a tower that thinks  
5 they're being cheated -- or not cheated but  
6 mistreated, or a citizen that has a complaint.  
7 And we'll look into it, and then come to a fair  
8 determination. Kind of like your local -- is  
9 it the Citizen Complaint Consumer Affairs might  
10 do.

11 FROM THE FLOOR: Does the board have a  
12 guideline and then they would go to that  
13 individual person and tell him he is  
14 overcharging or talk to them?

15 R. MINER: They will talk to them first  
16 and see what it is. Most of the complaints  
17 that we've had so far have been unfounded.  
18 Citizen called in and made the complaint and  
19 the charge was perfectly fine.

20 E. George: So what is the reason for  
21 this board if the charge has been unfounded?

22 R. MINER: No, I said the one that we  
23 received. There's lots of anecdotal -- nobody  
24 was keeping track of all the complaints because  
25 if it didn't go to Consumer Affairs, it just

39

1           went to the local sergeant at the state police  
2           or the local sheriff's or the local police  
3           department. Nobody was filing those.

4                     But when they had the study commission,  
5           all these people came into the local sheriff's,  
6           police departments, state police and said,  
7           yeah, there's a problem. Citizens came in and  
8           said there's a problem and it was all over the  
9           state. It wasn't just one place. So that's  
10          the reason that the board got set up, as I was  
11          told, when I got asked to serve.

12                    R. DRUMHELLER: Nick.

13                    N. SAPOUNAKES: Does anybody done -- does  
14           anybody know how many towing companies are in  
15           the State of Virginia?

16                    R. DRUMHELLER: We wish we did.

17                    N. SAPOUNAKES: I mean, seriously through  
18           this process?

19                    C. BROWN: I think our last figures was --

20                    J. M. COPELAND: I can tell you the  
21           mailing we sent out to 1,500 entities that we  
22           identified as towing companies.

23                    N. SAPOUNAKES: So the people that were  
24           towing for the state police use their list plus  
25           other sources.

40

1                    J. M. COPELAND: We used that list plus  
2           those who contacted us with the various  
3           attempts that the board used to have people let  
4           us know that they were towers. And they were

5 very extensive, by the way. We used the DMV  
6 list of folks who owned vehicles registered as  
7 tow trucks.

8 C. BROWN: Yellow pages.

9 J. M. COPELAND: Yellow pages, triple A,  
10 police towers, you name it. And I have heard  
11 from folks -- some are in this room -- when  
12 they received the contact list or the contact  
13 card, they threw it away because they didn't  
14 believe it had anything to do with them -- or  
15 they didn't believe it was a real thing.

16 R. ROLLINS: Because when we received  
17 these cards, this regulation had not gone into  
18 effect. We had received no information  
19 whatsoever about this at all. The only thing  
20 that we received was like a little postcard --  
21 if you want to be on the BTRO board, send in  
22 this card with your name and all on it.

23 We received nothing about what was going  
24 on or anything. We just received a little  
25 card. And why are we going to fill out a card

41

1 to be on the board when we don't know what the  
2 board's about to begin with. We have received  
3 many --

4 R. DRUMHELLER: That was an informational  
5 -- that was an attempt from us to find out who  
6 the towers were and how many there were.

7 J. ROLLINS: No, sir. That's not what the  
8 mailing said.

9 C. BROWN: The legislation was done long

10 before that card was sent out. It was passed  
11 in '06.

12 J. ROLLINS: But it was just put before  
13 the General Assembly in '06. It did not pass  
14 until this year.

15 R. DRUMHELLER: It passed in '06.

16 R. BOSWELL: We have been meeting since  
17 '06. The board was established on July the 1st  
18 of 2006.

19 J. ROLLINS: The board has not held any  
20 public meetings in this area that I'm aware of  
21 until one in our fire department and this one  
22 tonight. This area has had no input in any  
23 this that I'm aware of.

24 R. DRUMHELLER: Most of the board meetings  
25 were held in Richmond at the DMV building.

42

1 They are all public meetings. They're open  
2 meetings.

3 B. LAND: Brad Land, Land's Towing. I  
4 have to beg to differ with her. If you join  
5 BTRO or get online, Paul Gammon had several of  
6 these meetings set especially for you. We  
7 tried contacting everybody. Everybody thought  
8 that we were a joke and we didn't know what we  
9 were talking about. This wasn't happening. We  
10 knew what was happening because we belonged to  
11 BTRO because we paid attention. If you got on  
12 the computer, you know what's going on.

13 E. GEORGE: Some of us don't have  
14 computers.

15 R. MINER: Mr. Chairman, could I ask a

16 question of the audience?

17 R. DRUMHELLER: Go ahead.

18 R. MINER: You heard them say what the  
19 Communications Committee of the board did. They  
20 went to the yellow pages. They went to the red  
21 yellow pages. They asked DMV to give them all  
22 the WT tags. They went to the two state  
23 associations VATRO and MIHROA. They put  
24 articles in tow magazines or newsletters that  
25 was in the state.

43

1 And I'd just like to know -- and we  
2 mailed out things to those people on a couple  
3 of occasions. And we have been to the tow  
4 meetings like in Harrisonburg and other places.  
5 I'd just like to have your suggestions as to  
6 how we can better communicate. Remember that  
7 it cost us what 40 cents or something to make a  
8 mailing. And the more money that we spend, the  
9 more we got to charge.

10 We're supposed to be a self-sustaining  
11 board just like the other boards -- regulatory  
12 boards are. And we're trying to keep the costs  
13 down but we want to hear from you how we can  
14 better communicate.

15 FROM THE FLOOR: One thing I think.

16 LT. HARDISON: Hold on. Just a second,  
17 sir. We got a guy in the back who's been  
18 extremely patient. And I appreciate that, sir.

19 FROM THE FLOOR: I'm want to make a  
20 comment the same as Brad did -- classifications

21           that Brad did. He has contacted people and I  
22           also want to comment from a lot of instruction  
23           classes. You can have a McDonald's business or  
24           you can have an Outback Steakhouse business.  
25           The board I feel is on track -- is for

44

1           everybody in this room to be able to have an  
2           Outback Steakhouse business.

3                     And as far as people complaining what the  
4           board is not doing, I would rather -- far, far,  
5           far rather have a board of people sitting up  
6           here like Charlie Brown and some of the other  
7           people that's on this board. I would rather  
8           have those people to our aid than if I had to  
9           get over the next step, than to have DMV have  
10          to some no knack with a big education with some  
11          big degree and tell us what we're going to do  
12          and what we're not going to do.

13                    And as far as the comment about the  
14          regulatory pricing, as far as it goes about  
15          that, a lot of the things that I think this  
16          gentleman in front of me what he's talking  
17          about was the private towing. If you got a  
18          Joe's Convenience Store up the street here and  
19          you're buddies with him and you say anybody  
20          that needs a tow, you send me the business.  
21          I'm it. Charge these people \$500 and give you  
22          \$250 and I'll keep \$250, that's the only thing  
23          that I know of that I've heard of that has any  
24          regulatory part at all of saying, okay, this is  
25          a maximum fee that you can go and charge. And

45

1 I wanted to make that comment. And I think you  
2 guys are doing a great job.

3 As far as fingerprinting goes, there's a  
4 lot of guys towing people down in the Lynchburg  
5 area that are convicted felons. And I have  
6 nothing at all -- please don't get me wrong --  
7 that guy made a mistake X number of years ago  
8 rape or murder or DUI on multiple occasions,  
9 God bless, I feel sorry for him. But there's  
10 got to be something when AAA calls you up and  
11 you want to pick up a vehicle and some little  
12 old lady wants her car to be towed and she's  
13 not going to have to be worried about getting  
14 robbed.

15 S. WYATT: What's your name?

16 D. JACOBS: Doug Jacobs.

17 S. WYATT: Sir, what company?

18 D. JACOBS: Virginia Diesel.

19 S. WYATT: Can I ask how many trucks do  
20 you run alone?

21 D. JACOBS: Four.

22 FROM THE FLOOR: I don't think I -- do you  
23 think by charging us a fee, a special license,  
24 that will stop with the rapists and all that  
25 stuff? Do you think that is going to stop it?

46

1 R. DRUMHELLER: No, but it will give us

2           some control over it. No, you're not going to  
3           stop all the predatory towing, the rapists.  
4           But it will give us more control over it and  
5           give you people more control over it.

6           D. AMOS: Dennis Amos of Gregory's Towing  
7           in Ridgeway. One thing I think you could have  
8           done to get more word out to people, on two or  
9           three occasions I called the state police to  
10          find out what's going to be involved. They  
11          didn't have a clue either. So that's the first  
12          place we look to for advice. You know, they  
13          didn't have a clue as to what's going on.

14          LT. HARDISON: And it's their not their  
15          fault because they weren't told. If I could  
16          fall on my sword on this one. Because the  
17          rules and regulations were being promulgated,  
18          sir, and we did not want to give bad  
19          information to our troopers out on the road, it  
20          was not sent to all the area offices until last  
21          Thursday -- all the rules and regulations  
22          because they actually did not go into effect  
23          until October the 15th. And we were working on  
24          several things.

25          They did know that the board was started

47

1           because as y'all know the state police should  
2           have come to at least -- well, they were  
3           supposed to come to everybody in this room if  
4           you were on the state police towing list only.  
5           People did not know about these regulations so  
6           we and everybody on the board has heard this  
7           several times.

8                   And I wanted to get it out to you also  
9                   that because -- and I'm the one that sent them  
10                  initially. We had the cards made up and  
11                  because we wanted the state police to go out  
12                  and let everybody know we had these green cards  
13                  made up, the board did. They were supposed to  
14                  come to you and hand-deliver this card and tell  
15                  you that the Board of Towing Recovery operators  
16                  has been set up to make you aware of the new  
17                  law -- make you aware that laws were being  
18                  promulgated or the laws were there and the  
19                  regulations were being promulgated.

20                 I got word back to me that some people in  
21                 different areas did not receive the cards for  
22                 whatever reason. If you're on our tow list,  
23                 you know, and I can only speak to the ones on  
24                 our tow list. Because I heard that it did not  
25                 happen, I sent them back a second time to make

48

1                 sure that they hopefully sent it out.

2                 Now, again, this was just for  
3                 informational purposes only to allow the towing  
4                 industry to know that these regulations were  
5                 being promulgated. Now, this trooper out there  
6                 that came by to see you, or the sergeant that  
7                 called, or the first sergeant, they did not  
8                 know the nuts and bolts of the regulations  
9                 because they were being formed at the time.

10                And they had not been signed off by the  
11                Governor.

12                Again, we went another step by providing

13 all of our information to the Board of Towing  
14 Recovery Operators, only the ones on the State  
15 police list that is with a mailing that was  
16 sent in a month ago. Also, that hasn't been  
17 mentioned yet, and I want you all to understand  
18 the extra step that we tried to take to get the  
19 information out there. We also provided every  
20 inspection station in the state that may have a  
21 tow truck, that doesn't tow for us. We still  
22 provided that information to the Board of  
23 Towing Recovery Operators so that they would do  
24 a mailing to them, also. So with just doing  
25 that of providing those three things we tried

49

1 to get everybody.

2 Now, if you don't tow for us and if you do  
3 tow for a local entity or a local sheriff's  
4 department or a local police department, I  
5 can't get the information to you unless I know.  
6 But to take it another step further, we're here  
7 tonight to speak on the public safety towing,  
8 the public safety regulations. I also sent out  
9 a survey form that they should have brought to  
10 you in person or they called to ask you the  
11 number of trucks you had, whether it was a  
12 heavy duty Class A or Class B, you're boom  
13 rating. All these different items that were  
14 on this survey.

15 The reason that was sent out because the  
16 Superintendent of the state police cares for  
17 when the decisions are made, we need to have  
18 the information to make an educated decision of

19 what is out there. Again, I can only speak --  
20 and I say this because somebody's out there  
21 thinking, well, they didn't ask me.

22 And every meeting I have gone to somebody  
23 has come up to me and said, well, you didn't  
24 come to me. And my first question is are you  
25 on the state police list. And the answer is

50

1 no. Well, then I don't know to come to you. I  
2 have gone to every public hearing that I could  
3 be at just to listen to your side of everything  
4 because I care. And the superintendent of the  
5 state police cares.

6 We need to know what your issues are. I  
7 need to know what your truck ratings are so  
8 when it comes down to the public safety towing  
9 side of it, we can decide rationally and with  
10 due regard to public safety and for you, the  
11 towing public, can make an educated decision on  
12 what needs to be.

13 Now, again, we believe there should be  
14 minimal standards so that when everything, when  
15 the sun goes down, we have made sure that we  
16 looked after everybody, the mom and pop  
17 organization. We need you. On behalf of the  
18 state police, we need every good company out  
19 there. And we want you to stay in business.  
20 Mr. Black, he's up next.

21 R. DRUMHELLER: Mr. Black.

22 E. FLY: Eric FLY from the Virginia Beach  
23 Wrecker Association. I actually decided I

24           wasn't going to speak tonight, but we've gone  
25           down the same path that we went at Virginia

51

1           Beach, unfortunately, about the creation of the  
2           Board. And so before I get to the public  
3           safety comments that I'd like to make, which is  
4           why we're here tonight, I want to address the  
5           gentleman's question of how we came to be here.  
6           And we're in the exact situation as we are in  
7           Virginia beach.

8                     But it is the view and opinion of the  
9           Virginia Beach Wrecker Association after having  
10          worked with the General Assembly for almost a  
11          year now, we are now this overwhelming  
12          motivation of the General Assembly to regulate  
13          the towing industry. We have spoken to many  
14          senators and many delegates involved in the  
15          beginning of this thing. The study from  
16          Senator O'Brien, who lost re-election. He is  
17          no longer in Richmond. And he's the one that  
18          started this whole thing when his wife got  
19          towed.

20                    But the story that keeps being told about  
21          this board was created because the General  
22          Assembly was going to come in with a hammer and  
23          bust the towing industry over the head, it  
24          simply doesn't seem to be true. And you talk  
25          to the senators, and nobody seems to want to

52

1 take credit for forming this board.

2 So the story that keeps being told that  
3 we're here because the General Assembly was  
4 going to handle it, and the DMV was going to  
5 come in and beat us with a hammer, the evidence  
6 is not there from our research from the General  
7 Assembly. We don't see where this big hammer  
8 was. if it was there.

9 The truth be known when the study was  
10 completed, a small group of towers saw an  
11 opportunity to gain market share that they  
12 couldn't gain through the business in the  
13 General Assembly. And it was that small group  
14 of towers, Mr. Chairman, that came to the  
15 General Assembly and who had these laws and  
16 these regulations passed through the General  
17 Assembly.

18 Now, I agree with the gentleman over here.  
19 It was towers being asleep that allowed this to  
20 happen. But this legislation right here was  
21 created by a small group of towers in order to  
22 gain an economic advantage. That's why the  
23 board was created. That's why we're here.

24 You're here mandated to do public safety.  
25 The people in the room may not know that this

53

1 board actually created had a draft version of  
2 public safety codes to our regulations back in  
3 November. And it was approved at your November  
4 meeting. And it was put out on the website and

5 most of us have a copy of that.

6 What they may not know -- people may not  
7 know and refreshing the board's memory of that,  
8 those regulations were so restrictive, and  
9 would have put so many towers out of business,  
10 that the General Assembly forced this board to  
11 throw those regulations out and to do four  
12 public safety towing meetings around the  
13 Commonwealth so towers would have an  
14 opportunity to have a voice and this time to be  
15 heard.

16 There was very little going on in the  
17 towing regulations, and the General Assembly  
18 through Senate Bill 707 corrected that problem.  
19 And that problem, as we see here tonight, is to  
20 give the towing industry an opportunity to  
21 react to public safety limits.

22 I just wanted to go through this real  
23 quick because there's a different version out  
24 there of why this board was created in the  
25 General Assembly. As it relates to public

54

1 safety, it is the opinion of the Virginia Beach  
2 Wreckers Association that the general towing  
3 regulations have already placed financial  
4 burden on towers, especially small towers in  
5 rural areas. It is our fear that additional  
6 regulations called public safety regulations  
7 will increase that financial burden to towers.

8 And you heard me say this before and I'll  
9 say it again and again and I will continue to  
10 say it because it's true. As we sit here

11           today, Mr. Copeland, tell me if I'm wrong. No  
12           law enforcement agency in the Commonwealth of  
13           Virginia has come to this board and asked you  
14           to enact or pass or get you involved in public  
15           safety towing regulations. And we know that  
16           public safety towing regulations is simply a  
17           term -- a fancy term that was put on in  
18           Richmond to help manipulate this thing through  
19           the General Assembly. When what we're really  
20           talking about is police towing.

21                     And it was the intent of the General  
22           Assembly that this board increase public  
23           safety. And we fail to see how creating  
24           another set of police towing regulations, if  
25           you call it public safety regulations, police

55

1           towing regulations, is going to increase that  
2           safety.

3                     How -- we are confused and we continue to  
4           ask the board to clarify -- and first I think  
5           the question the board needs to ask itself and  
6           to answer is how is taking the control of local  
7           police towing away from the local police going  
8           to increase public safety?

9                     These towing boards -- these towing lists  
10          have operating for years. If you don't do what  
11          the police want you to do, they throw you off  
12          the list. They're self-regulating. And we're  
13          still confused as an association how on  
14          removing local control as to police towing  
15          matters away from the police is going to

16 increase public safety. It's a question I  
17 think that the board really needs to think  
18 about and the board really needs to answer.

19 As we've asked before, we would recommend  
20 that the board pass a resolution at its next  
21 meeting recommending to the General Assembly to  
22 remove code sections 46.2 28 26, which requires  
23 you to enact public safety regulations thereby  
24 relieving you of the burden of doing that, and  
25 doing away with public safety code. Allow the

56

1 board to do the work that it was set up to do.  
2 Allow the local law enforcement and the state  
3 police to regulate public safety towing and  
4 police towing and leave it at the local level.

5 If you study history, it is always better  
6 -- government always operates better if you  
7 leave it closer to those that are to be  
8 governed. And we believe the same thing with  
9 the towing industry. If you leave public  
10 safety towing regulations and guidelines with  
11 the local police, the towing industries will be  
12 better off and the motoring public will be much  
13 safer than if you pass restrictive regulations  
14 that cut out a lot of towers and will increase  
15 the response time for a lot of these towers.  
16 Thank you.

17 (Audience applauded.)

18 C. BROWN: I have one question.

19 FROM THE FLOOR: I have a question.

20 C. BROWN: For Eric. How many of the  
21 senate hearings did you sit in on originally?

22  
23  
24  
25

E. FLY: How many what?

C. BROWN: How many senate hearings?

E. FLY: Before the board was created or  
after the board was created?

57

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C. BROWN: After the board was created.

E. FLY: As you know, I was hired on  
January 2nd of this year, so that would be  
zero.

C. BROWN: I sat in on a few because I was  
called. And it was, hey, we're having a  
problem. You probably ought to listen to  
what's going on. I remember sitting in that  
hearing with J. O'Brien, which you mentioned is  
no longer in and a senators -- I think it was  
a senator. I remember his name was Moran. And  
the last I heard I think he is with a U.S.  
Congressman or something now. Do you know who  
he is? I don't know him personally but I know  
-- I remember him sitting with his finger and  
pointing at us and saying you will be  
regulated. Us as a state are going to regulate  
your industry. We're going to control y'all.  
And basically what he was telling us he's going  
to control us. And that he was tired of the  
bandits and the rogues we had out here. I  
remember sitting at these meetings and hearing  
that. I don't know if anyone else in this room  
was at any of these meetings. I know Woody  
probably was at some of them.

58

1 R. DRUMHELLER: I was.

2 C. BROWN: You were. Do you remember them  
3 telling us if you go back and ask them now are  
4 they going to own back up to it, I don't know.

5 E. FLY: They haven't.

6 C. BROWN: But I will tell you that I was  
7 sitting there, and I remember them telling us  
8 what they were going to do. And it scared me.  
9 I did not want to be regulated. No way, shape  
10 or form did I want to be regulated. I don't  
11 think anyone else here wanted to be regulated.  
12 But we did see what was happening and they were  
13 going to take control, or at least they were  
14 threatening to take control.

15 At least now we have a certain part that--  
16 you have people in the industry that are  
17 wrecker people. I think we ought to be very  
18 thankful that we do have a voice that we can  
19 speak for our industry because I was scared to  
20 death we were not going to. And I feel very  
21 fortunate that we do have people on here that  
22 are in the industry and have a voice to speak  
23 into that.

24 E. FLY: And for the record, the Virginia  
25 Beach Wreckers Association doesn't disagree and

59

1 they support the board. What we don't support  
2 is the next step to the public safety towing.

3                   C. BROWN: And I just want to get the  
4 part clear at the start that the legislators  
5 are now saying that they didn't do this. They  
6 did. I was really scared.

7                   E. FLY: Well, then the question needs to  
8 be asked if we're going to go back into history  
9 and debate what happened, the question that  
10 needs to be asked, the towing associations that  
11 were involved, instead of fighting those very  
12 few -- what seem to be very few legislators  
13 that want to regulate the industry, why didn't  
14 they fight then, instead of rolling over and  
15 doing what they have done now.

16                   And I know we're going back in history and  
17 we can't solve the problem. But the question  
18 in my mind is why didn't they put up a bigger  
19 fight at that time. And we weren't involved in  
20 a fight, that was us.

21                   C. BROWN: And I didn't make but one trip  
22 during that time to the General Assembly to try  
23 to fight the regulation and trying to fight.  
24 I do remember us doing that. From what was  
25 carried from that point out, I wasn't attending

60

1 the rest of the meetings.

2                   E. FLY: I can understand how hard-headed  
3 the General Assembly can be.

4                   R. MINER: If I may add one other thing.  
5 You're incorrect in that it's public safety  
6 towing. Three quarters of this state is  
7 reresented by sheriff's departments who know

8 what it's like being called police. But  
9 they're two different entities. One is a  
10 constitutional officer and one is not.

11 And it takes into consideration the  
12 motoring public that's being effected by the  
13 towing. And, therefore, wherever there's one  
14 incident, there can be a secondary incident  
15 caused by whatever's going on at the first one.  
16 So the other people that are effected by it,  
17 also a car coming off of a carrier, those kinds  
18 of things. So it's all the public safety. So  
19 we would like to continue with the public  
20 safety.

21 FROM THE FLOOR: What was the question you  
22 were addressing?

23 R. MINER: You were saying it's not public  
24 safety it's police towing. I was telling you  
25 why it was called public safety.

61

1 FROM THE FLOOR: How is it defined in the  
2 code section?

3 R. MINER: I'm just telling you why we're  
4 using that term here, sir, that's all. I'm not  
5 arguing with you. I'm just telling you why.  
6 If you don't want to accept it, that's fine.  
7 I'm done.

8 FROM THE FLOOR: But in Richmond we're  
9 getting beat over the head with the fact that  
10 we have one coming in saying, well, this group  
11 is against BTRO Wreckers Association is against  
12 so it's against public safety.

13 R. MINER: There's two people I haven't

14 heard you mention and I'm a member of both;  
15 Virginia Association of Chiefs of Police and  
16 the Virginia Sheriff's Association. Go and sit  
17 in their traffic safety committees and their  
18 emergency management committees and you might  
19 get a little more knowledge on that.

20 FROM THE FLOOR: Well, I have been meeting  
21 with 22 different sheriff's departments. I  
22 have not found one interested in public safety  
23 towing.

24 R. MINER: I'll send you a couple names.

25 FROM THE FLOOR: For what reason would I

62

1 not be granted a permit? You said if you're  
2 granted a permit. What reason -- what would go  
3 wrong that somebody wouldn't be granted a  
4 permit to tow even though you've paid your fee  
5 and all that?

6 J. M. COPELAND: Mr. Chairman,  
7 essentially what we're looking at -- and I  
8 assume you're talking about -- are you talking  
9 about a driver's authorization, a license or  
10 both?

11 FROM THE FLOOR: A license to tow.

12 J. M. COPELAND: To drive? Again, I just  
13 want to be clear. I will answer both  
14 questions. Let me go one at a time.

15 FROM THE FLOOR: To drive a tow. For what  
16 reason would I not be granted a permit to tow?

17 J. M. COPELAND: The only reason that I  
18 know of right off the getgo is if your criminal

19 history background check comes back, and you're  
20 listed -- you have to list yourself on the sex  
21 offender registry.

22 FROM THE FLOOR: Okay.

23 J. M. COPELAND: That's the only reason  
24 that I know of at this point. Now, there are  
25 some possibility that criminal history

63

1 background checks come back, and they fall  
2 under the criteria that the board has to look  
3 at it to determine whether or not someone can  
4 do this. And those are primarily going to be  
5 felonies. There are some misdemeanor  
6 instances, but primarily felonies. And what  
7 type of felonies they were and when they  
8 occurred.

9 And the board will also be considering  
10 mitigating circumstances. Letters of  
11 reference, background information. Again, I'm  
12 not sure how many folks are going to fall under  
13 that. We know already of a couple of sex  
14 offenders that are going to pop up. But a  
15 handful at this point.

16 FROM THE FLOOR: Thank you. That's good  
17 enough.

18 J. M. COPELAND: Okay.

19 FROM THE FLOOR: One question and it  
20 hasn't been touched on. It's in there that  
21 anybody out of state that delivers a car to the  
22 State of Virginia. I'm talking about out-of-  
23 state wreckers -- or picks one up in Virginia,  
24 has got to buy a three-day \$50 permit -- trip

25

permit.

64

1           C. BROWN: I'm probably most familiar with  
2 that. With your being right here in Danville,  
3 y'all are right on the line anyway.

4           FROM THE FLOOR: Um-hum.

5           C. BROWN: Part of the reason for  
6 requiring them to be licensed is it's not fair  
7 to you to be located here on the state line and  
8 you're having to be licensed. You're having to  
9 fall under these regulations. And that man --  
10 say you had a sex offender right here in  
11 Danville. He no longer can operate, but he can  
12 move to Yanceyville and continue to tow in  
13 Virginia and nothing changes. So that's the  
14 reason for the out-of-state licensing to be  
15 restrictive from out of state.

16           But now he cannot -- he can come into  
17 Virginia and drop off. He does not have to be  
18 licensed. He can pass through Virginia and he  
19 does not have to be licensed. But if he picks  
20 up in Virginia, he has to be licensed or has to  
21 purchase a trip permit so we have a record of  
22 who he is and where they're going to in  
23 Virginia.

24           FROM THE FLOOR: I thought I read where it  
25 was either pick up or drop off.

65

1 C. BROWN: No, only picking up.

2 FROM THE FLOOR: I see where you're coming  
3 from on that. But next year North Carolina is  
4 going to retaliate against us on this  
5 licensing.

6 C. BROWN: And we have this in there,  
7 also, if another state does this, us as a  
8 board, can work a reciprocal agreement.  
9 Correct me if I'm wrong on this, but we can  
10 work a reciprocal agreement with that state to  
11 let this state -- as long as the regulations  
12 are balanced out fairly correctly -- fairly and  
13 the same, that we can operate in North Carolina  
14 freely and they can operate in Virginia  
15 freely.

16 FROM THE FLOOR: Why not, in instead of  
17 charging that \$50 fee with every time we bring  
18 the car over here or whatever, why not say that  
19 if you deliver one here or pick one up here,  
20 you've got to follow our regulations.

21 C. BROWN: They can do that.

22 FROM THE FLOOR: That should take care of  
23 that.

24 C. BROWN: In the permit it will be a part  
25 of that that they have to follow our

66

1 regulations. That \$50 fee is to come over each  
2 time. A out-of-state wrecker can also be  
3 licensed. If you have someone in Yanceyville,  
4 for instance, and they tow in Virginia all the  
5 time, they can get licensed just like you

6 can.

7 FROM THE FLOOR: Sounds to me like it's  
8 overkill.

9 LT. HARDISON: The reason we use the drop  
10 off is say someone went into North Carolina and  
11 broke down and they were towed back to  
12 Virginia. Then they shouldn't have to have a  
13 permit just to get, you know, this lady's  
14 vehicle back to Virginia.

15 FROM THE FLOOR: Okay.

16 LT. HARDISON: But if you were to pick up  
17 is what we're looking at.

18 FROM THE FLOOR: Well, on the same token,  
19 a tow truck driver in Eden, North Carolina, he  
20 is a mile from the line. His wife breaks down  
21 in Virginia. He can't even come pick his  
22 wife's car up and take it home.

23 C. BROWN: He could then if he would fall  
24 under the exemption clause that's in there  
25 where if he has ownership of the vehicle.

67

1 You're exempted from licensing if you're towing  
2 a vehicle that belongs to you.

3 LT. HARDISON: We have some tow truck  
4 operators that are in like West Virginia but  
5 they tow in Virginia on a regular basis. And I  
6 believe that some of them may be on our wrecker  
7 list. And we wanted to incorporate them and be  
8 fair with, you know, those and not allow them  
9 just to tow as they please. So when they came  
10 across the line to pick up the vehicles from

11 West Virginia, then they would have to be  
12 licensed also.

13 A. ORR: Down in Bristol we got large  
14 towing services that does 50 percent of their  
15 business on the Virginia side. That man down  
16 there is going to get his license just like you  
17 do so that he can tow in Virginia. So if they  
18 operate on the state line, like you, they will  
19 get licensed like you are and put both of you  
20 on a level playing field.

21 It's not fair to regulate you over here  
22 and allow him to go on. So we're going to  
23 require him to be licensed if he's going to  
24 operate over here in Virginia like you are and  
25 then vice versa the reciprocity thing. If

68

1 North Carolina decides to come up with the same  
2 type regulations, we'll try to do a reciprocity  
3 agreement so these companies on the state lines  
4 can go and come and operate like they have been  
5 for years. And, you know, a legitimate towing  
6 company shouldn't have any problems if the  
7 field is level and that's what we hope to  
8 accomplish.

9 FROM THE FLOOR: Okay. I just never heard  
10 that mentioned at all anywhere.

11 A. ORR: Well, I've been real familiar  
12 with it because at one time I worked here in  
13 Danville. I'm from southwestern West Virginia  
14 and I'm a citizen interested in the mom and pop  
15 organizations of the towing industry. We had  
16 West Virginia, Tennessee and Kentucky. So I've

17           dealt with this state line thing a lot and have  
18           familiarity with that and I got y'all's interest  
19           at heart. Don't, you know, let's keep the  
20           playing field level.

21                     FROM THE FLOOR: One question I was going  
22           to ask. I think all this you paint a pretty  
23           picture but the paint on the ball when it peels  
24           off, is not going to be so pretty and I'll tell  
25           you why.

69

1                     If you regulate a man that runs any other  
2           state to come in this state and I think -- I  
3           think I'm correct in saying this -- if he's got  
4           all his state and federal laws right, he's got  
5           a right to go in any state he wants to; correct  
6           me if I'm wrong.

7                     All right. Next thing when you regulate a  
8           man coming into this state saying you got to  
9           have this, you got to have that, what do you  
10          think is going to happen to us when we go to  
11          another state to pick up? It ain't going to  
12          work. It ain't going to happen. And I don't  
13          care what nobody says, it's not going to  
14          happen.

15                     That's the problem we got right now.  
16          They're going to control. If you put something  
17          like that in the State of Virginia, you're  
18          going to be in trouble. And this whole thing  
19          -- this whole thing, this meeting that's come  
20          together all of the Board that's come together  
21          over business. I'm telling you sit back and

22 take a look at what happened because somebody  
23 would glean off of somebody else and the board,  
24 that's not the way to do it.

25 It could have been a good thing. What you

70

1 should have had was towers from the small scale  
2 and from the big scale not just big towers.  
3 You should have everybody involved. And talk  
4 to these people and know what's going on. And  
5 this is what is happening and that's why  
6 everybody is so bitter here because we feel  
7 like you're trying to shove something down our  
8 throats. Thank you.

9 R. DRUMHELLER: We reached out the best we  
10 knew. As far as, you know, a plumber has to be  
11 licensed. You can't be a licensed plumber in  
12 Virginia and go to North Carolina and do  
13 plumbing there. A realtor can't go from  
14 Virginia to North Carolina and sell real estate  
15 without a North Carolina license. A lawyer  
16 can't lawyer in Virginia from the Virginia bar  
17 and go to North Carolina and be a lawyer  
18 without being licensed.

19 FROM THE FLOOR: But, sir, wait a minute.  
20 We're talking about you're comparing apples --  
21 I mean, apples to oranges here because there's  
22 no way. The towing business is a rolling  
23 industry. And you stop truckers from going  
24 from one place to another and you can't compare  
25 that. You can't compare what you're saying.

71

1 This is a rolling industry. And when you pay  
2 your fees and taxes in one state, you pay -- I  
3 think you get a chart each month. And I know  
4 you do. You get a chart each month and you  
5 have to pay for the other state, too, whatever  
6 you bring in, am I correct?

7 R. DRUMHELLER: That's auto fuel.

8 FROM THE FLOOR: But why do they do this?  
9 They did that so every state could get  
10 something out of it.

11 S. WYATT: First of all, I'm probably one  
12 of the newer employees on the board and I want  
13 to thank Mr. Fly from the Virginia Beach  
14 Association for all the work he's done to get  
15 the word out to the small towing operators.  
16 And, yes, I saw the proposed regulations a year  
17 ago. And if you had less than two trucks, it  
18 wasn't pretty.

19 And I did attend about every meeting of  
20 the General Assembly before the subcommittee  
21 before the full transportation on the house  
22 side and the senate side, informal meetings  
23 with the senator and a delegate that proposed  
24 those meetings because they would get more  
25 information about the towing industry there

72

1 than they knew about. Because, yeah, there  
2 were some nasty regulations that were thrown

3 out there by guys that wanted to heavily  
4 regulate the towing industry.

5 But I can tell you what the towers around  
6 the Commonwealth they spoke up and called their  
7 delegate and said I'm not going to qualify.  
8 I'm no longer going to be able to tow for my  
9 county sheriff's department or the state  
10 police. And I live in a rural area. I live in  
11 Hanover, east of Richmond, New Kent, King  
12 William County.

13 Yeah, we had sheriffs that went to those  
14 informal meetings of New Kent County that  
15 actually spoke for the small operator. He said  
16 if you're going to require me to have a certain  
17 number of trucks, then, a year ago it was two.  
18 You had to have a wrecker and a rollback.  
19 That's what the proposed regulations were.

20 Right now there are none. A year ago it  
21 was two. The sheriff of New Kent County went  
22 in there and said I'm going to lose two-thirds  
23 of my operators. My guys won't qualify. I'm  
24 going to have to get large companies out of  
25 Richmond or Williamsburg, which are going to

73

1 tie my deputies up out on the road longer.

2 I'm not a big-government person. We've  
3 heard a lot about Joe the plumber. Yeah, who  
4 wants to be regulated. Who wants the  
5 government to tell you how to run your  
6 business.

7 So I applaud what Mr. Fly is doing and the  
8 Commonwealth Towing Association and a new

9 association that was created because, in my  
10 opinion, the two other organizations weren't  
11 representing the smaller towers. I encourage  
12 y'all to keep getting the word out. I can't  
13 support newer regulations and minimal in my  
14 opinion is very minimal.

15 If you're currently towing -- and I've  
16 spoken to many delegates and many state  
17 senators, if you're currently towing for your  
18 county sheriff's department or the state  
19 police, you ought to be able to continue to  
20 tow. The big thing is trying to get licensed.  
21 Find out who they are because the sheriffs the  
22 folks in Richmond, the board, the General  
23 Assembly doesn't know who the towers are. All  
24 they know is there's 2,000, 3, 000, 4,000  
25 towers in the Commonwealth. So that's a big

74

1 thing.

2 Can I ask Mr. Fly one question? Do you  
3 think the board now -- say, nine months later  
4 -- the attitude of this board is changed and  
5 can you maybe address the direction the board  
6 is going? Because I know some of the  
7 organizations and the boards have been taking a  
8 lot of flack in Virginia Beach and one, two,  
9 three law enforcement agencies that spoke  
10 against public safety towing.

11 And really wish every board member would  
12 have been at that meeting in Virginia Beach to  
13 hear the comments from the law enforcement

14 agencies around the Commonwealth. So I've  
15 worked for Verizon out there on Citizen Point  
16 for 20 years. I'm a citizen, an employee. I  
17 don't have a pony in this race. I don't get a  
18 dime from the towing industry.

19 I was asked to serve on this board to do  
20 the right thing because why? They felt -- the  
21 guys in the General Assembly felt that the  
22 board may not be balanced are the words that  
23 were used and I quote a state senator. The  
24 board's not balanced. I need you to go on  
25 there and speak up and speak your mind and try

75

1 to level the playing field out there so these  
2 small guys, the one-truck, two-trucks family  
3 businesses that have been towing for years in  
4 the Commonwealth will not be effected.

5 Because, yeah, that's the phone calls they  
6 were receiving. So, you know, I can't support  
7 any heavy regulations. The big thing is to  
8 find out who y'all are. So I think we're going  
9 in the right direction.

10 Mr. Fly, if you may, can you answer the  
11 direction of the Board. I know we don't have  
12 any regulations of proposed public safety  
13 regulations but can you maybe address the  
14 attitude because you've been to all the  
15 meetings around the state from Whitney to  
16 Fairfax to Virginia Beach and Richmond. Has  
17 the attitude of the board kind of shifted?

18 MR. FLY: Mr. Chairman, may I respond that  
19 to that?

20  
21  
22  
23  
24  
25

R. DRUMHELLER: Please do.

E. FLY: Mr. Wyatt is correct. This past senate assembly session, Senator Normant out of Williamsburg proposed Senate Bill 707. And what 707 did was come in and begin to change some of the most egregious legislation that was

76

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

put in as it related to the towing industry and the towing board.

Before 707 was passed, there was actually legislation -- there was actually state law that prevented any of y'all from recommending anybody to this board. There were only two in the State of Virginia that were allowed to nominate to this board. And because of that, the board was heavily stacked in one direction or the other. And the General Assembly felt that it wasn't fair.

12  
13  
14  
15  
16  
17  
18

And one of the things that Senator Normant did with 707 was to equalize this board out and have members with small towers and large towers. The other thing we were facing in the history -- in a brief history of the board is only a Class A tower, only large towers could be on the board. And that's a state's statute.

19  
20  
21  
22  
23  
24

And that only the chairman of that board could be an A tower, a big tower could be a chairman of the board. And that was a hotly contested item in the General Assembly. Senate Bill 707 changed all that. Now, A towers could be chairman in even years, is that right, and B

25

towers would be the chairman in the odd years,

77

1 so they're rotating back and forth so the  
2 voices on both sides are heard.

3 Senate Bill 707 passed unanimously in the  
4 House and unanimously in the Senate after  
5 towers got involved in Richmond did a very good  
6 job. And so now anyone can nominate to this  
7 board. And to speak to the board before the  
8 General Assembly versus the board after the  
9 General Assembly, in my opinion, and the  
10 opinion of the Virginia Beach Wreckers  
11 Association, the board is a completely  
12 different board.

13 This board I believe now is on the right  
14 track. They were mandated by the General  
15 Assembly to do four regional towing meetings;  
16 Whitfield, Richmond, northern Virginia and  
17 Virginia Beach. It was the chairman's  
18 recommendation to do four more public -- three  
19 or four public safety towing meetings that were  
20 not required by the General Assembly so the  
21 board could hear the word.

22 So the board is moving in a better  
23 direction than it was before the General  
24 Assembly thanks to the involvement of all the  
25 towers in the Commonwealth that got involved.

78

1 And I represent both the Virginia Beach  
2 Wreckers Association and the Commonwealth's  
3 Towing Association which the towers are  
4 involved. The board is listening and that's  
5 why we're here tonight. Hopefully, you'll tell  
6 them what you want. We told them we don't want  
7 public safety towing. We hope everybody on our  
8 side would agree with us.

9 But to answer your question, the board is  
10 doing much better. The Virginia Beach Wreckers  
11 Association's official stand is we support the  
12 board. We support this board and believe the  
13 board has a positive impact for the  
14 Commonwealth if they're managed correctly.

15 And that issues that were brought up here  
16 about state-to-state negotiations, that's  
17 something this board needs to take up. The WT  
18 tags are an issue for us. We were told we have  
19 to have WT tags and we pay \$400 or \$500.  
20 They're outrageously expensive. We have to buy  
21 those, and yet in Harrisonburg, where the  
22 chairman is from, they are not required by law  
23 to buy them.

24 So it's an inequity and an inequality  
25 within the state and the towing industry.

79

1 We're proposing to the DMV to give back to our  
2 members \$780,000, which is what we paid for WT  
3 tags we found out we don't need unless we cross  
4 the state line. So there's real issues the  
5 board can address, in my opinion, and we hope

6 that the board concentrates on that.

7 It is too soon in the process of  
8 regulation -- as hard as it is to swallow  
9 regulations, it is too soon in our opinion, the  
10 Virginia Beach Wrecker's Association, for the  
11 board to tackling public safety issues. And  
12 that's why the General Assembly -- the General  
13 Assembly came in October 2007, and the public  
14 safety towing did list incident to the General  
15 Assembly does not come into effect as of July 1  
16 of 2010. So the board is doing well and we  
17 appreciate the chairman's efforts on that.

18 S. WYATT: Thank you.

19 R. DRUMHELLER: Thank you. One correction  
20 we have. I know at least one member of the  
21 board that didn't belong to either association  
22 was a tower perhaps at the time was this board  
23 was set up. So we're others outside of this  
24 association. Who was next.

25 LT. HARDISON: The guy in the blue hat.

80

1 FROM THE FLOOR: I don't understand what  
2 you said because I get called sometime 1, 2, 3,  
3 4:00 at night. I have work in Virginia but  
4 working in North Carolina if the car break  
5 down, sounds like you're saying before I tow  
6 that car, I'm going to go get a permit and a  
7 license to tow the car?

8 C. BROWN: No, you're located in Virginia?

9 FROM THE FLOOR: Right.

10 C. BROWN: You're based in Virginia?

11 FROM THE FLOOR: And I go to North

12 Carolina to pick up a car. Why do y'all have  
13 to have a permit?

14 C. BROWN: That would be somebody in North  
15 Carolina that wants to operate in Virginia?  
16 Not for someone in Virginia that wants to  
17 operate in North Carolina?

18 FROM THE FLOOR: Somebody located in North  
19 Carolina a business and comes into Virginia.

20 C. BROWN: If they want to come into  
21 Virginia and operate here for hire, then they  
22 would have to be licensed.

23 FROM THE FLOOR: So but not just come and  
24 pick up a vehicle?

25 C. BROWN: Not if it belongs to them. For

81

1 hire means they're doing it for payment.

2 R. DRUMHELLER: I think what you're asking  
3 is do you have to have a permit to go into  
4 North Carolina, am I correct?

5 FROM THE FLOOR: Yes. Not yet?

6 R. DRUMHELLER: Not yet. It may become  
7 reciprocal if North Carolina passes -- if they  
8 do regulations, it might be reciprocal.

9 FROM THE FLOOR: So that permit -- so what  
10 do we do? Contact them and drop the car at the  
11 line and tell them to come pick it up?

12 A. ORR: As it stands right now, there's  
13 nothing. Unless North Carolina comes up with  
14 something, there is nothing that says you  
15 cannot go down into North Carolina and pick up  
16 whatever you want to in North Carolina as long

17 as you comply with what North Carolina requires  
18 of you and then bring it on back.

19 FROM THE FLOOR: The but the north, we can  
20 come up --

21 A. ORR: As long as you're licensed in  
22 Virginia, you can go down there in North  
23 Carolina and pick it up and bring it on back.  
24 But a North Carolina a man can't come up here  
25 and do a pick up without getting a fee or being

82

1 licensed like --

2 E. GEORGE: For hire.

3 A. ORR: Yeah, for hire. That's  
4 bringing.

5 FROM THE FLOOR: Again, you're starting a  
6 war. You start up a conflict in North Carolina  
7 where everybody is going to be free.

8 R. DRUMHELLER: It's coming. It's coming  
9 nationwide and once it does (gesture). If they  
10 examine the regulations like Virginia, it's  
11 probably crossing the line without anything.  
12 Charlie explained that awhile ago and I can't  
13 put it in his words.

14 R. MINER: Let me see if I can clarify it.  
15 Right now you will be licensed in Virginia and  
16 there is nothing to stop you from going into  
17 North Carolina and coming back. But if  
18 somebody from North Carolina wants to come in  
19 Virginia, they will either have to pay a trip  
20 permit or get licensed in Virginia.

21 E. GEORGE: For now.

22 R. MINER: If North Carolina decides to

23           enact regulations also, then the two states  
24           will get together and see if the regulations  
25           are similar enough so that if you're registered

83

1           in one you can operate in the other with no  
2           problem; do you understand? It's just like  
3           your driver's license. You can drive in North  
4           Carolina on a Virginia's driver's license and  
5           vice versa.

6                     FROM THE FLOOR: Why don't y'all get  
7           together?

8                     R. MINER: Because we don't control North  
9           Carolina. And we can't set up a reciprocal  
10          agreement until they set up their own thing.  
11          And they're already talking about it so it may  
12          or may not happen. We can't speak for North  
13          Carolina.

14                    FROM THE FLOOR: But suppose it don't come  
15          in for crimes of violence.

16                    R. MINER: There are a whole host of  
17          reciprocal agreements between the states. I  
18          think they will work that out. I can't, you  
19          know, I just don't know of anything that's not.  
20          Like if you take a lawyer's test right now, you  
21          have to be licensed in North Carolina but they  
22          have a regional test, so the same test is  
23          reciprocal. Those kinds of things. Do you  
24          understand? Am I not being clear?

25                    The two states will get together if North

84

1 Carolina wants to. This may be what does it.  
2 I know they're already talking about it in  
3 North Carolina. And I know that Maryland is  
4 already talking about it. What they end up  
5 doing, I don't know. It's up to them. It's  
6 not the board's problem right now. If they  
7 come up with a law and it's pretty similar,  
8 then we'll probably set a reciprocal agreement.

9 LT. HARDISON: This guy right here.

10 H. L. Chappell: H. L. Chappell with  
11 Chappell Auto Detail. I got a question on the  
12 public safety regulations. What all is your  
13 procedure after your deadline? The second part  
14 of the question is since we're having to pay  
15 the fees and everything right now to go into  
16 effect January 2009, would y'all please be able  
17 to mail each person who is registered a copy  
18 prior to then so we'll be able to review it and  
19 get back with people with the board before it  
20 goes into to be signed for your signature?

21 J. M. COPELAND: To answer your first  
22 question, while we're currently required under  
23 statute to promulgate regulations regarding  
24 public safety towing, there's a restriction on  
25 when that promulgation can occur. Right now, I

85

1 know it cannot occur before July 1st, 2010.  
2 What has been proposed a year ago goes off the  
3 table. It's a blank situation. So if we're

4 going to promulgate public safety regulations,  
5 there will be an entire process that includes  
6 comments from everyone in the towing industry,  
7 public hearings, you name it. It's going to  
8 be --

9 H. L. CHAPPELL: What is the deadline for  
10 the board so the General Assembly can vote on  
11 this to go into effect in July of 2010. I  
12 understand that everything that's been proposed  
13 has been a clean slate and to clear out and  
14 everything. My question is, is it going to be  
15 July of 2009 or January of 2010 when it goes to  
16 the General Assembly to be voted on.

17 I think each one of us our question is  
18 that we're rural down in this part of the area.  
19 We would like to see the regulations before  
20 they are made law so we can comment. That's  
21 what I'm asking.

22 J. M. COPELAND: And just to try to  
23 clarify for everyone what a regulatory is  
24 versus a statutory process, a regulatory  
25 process is we're authorized by statute to

86

1 promulgate regulations. In this instance we're  
2 required to promulgate regulations. All that  
3 means is that the board, with input from towers  
4 and other interested parties, would develop  
5 regulations. Before they went into effect,  
6 there would be multiple comment periods  
7 throughout the entire process.

8 The process typically takes anywhere from

9 nine to eighteen months minimum. So it's not  
10 going to go before the General Assembly. It  
11 will be a process that is dealt with  
12 administratively not in a statutory level. So  
13 I hope that's making it clear that there is not  
14 something that's going to go back to anyone.  
15 This is going step by step by step and there  
16 are multiple steps.

17 Notice of intended regulatory action,  
18 proposed regulatory, proposed regulations,  
19 final regulations, comment periods associated  
20 with each of those processes. And before you  
21 even get to the proposed regulations, there  
22 will be input from towers across the state.

23 So as it goes on, there are requests for  
24 comments. So you would in fact before they're  
25 finalized, we're required to send out copies of

87

1 those regulations before they're final. So you  
2 would receive copies of those before they ever  
3 are finalized.

4 E. GEORGE: By mail?

5 J. M. COPELAND: However you want it.  
6 However we can get them to you. Obviously,  
7 whatever way we can get them to you, we'll get  
8 them to you. We'll post them online and  
9 they're also posted through the Town Hall  
10 process as you go step by step. Whatever is  
11 out there is out there. So hopefully that  
12 clarifies that. Now, was there another part of  
13 that question?

14 H. L. CHAPPELL: That we would be

15 notified so we can review them before.

16 C. BROWN: Mr. Chairman, can I speak on  
17 that to try to clarify. Marc speaks in more  
18 government terms.

19 J. M. COPELAND: Sorry.

20 C. BROWN: The regulations we come up with  
21 do not go back to the General Assembly. It  
22 doesn't go back to them to vote on it. It's  
23 voted among the board on the regulations.  
24 There is a committee, and Mr. Teeter is the  
25 chairman of that committee that will start the

88

1 regulations. They will come up with some draft  
2 regulations just in this committee.

3 The committee will discuss. They will  
4 review the comments that you have made here in  
5 all the public hearings and that we're  
6 reviewing the comments. At anytime any one of  
7 you can email a comment, write in a comment,  
8 call with a comment, at any time during this  
9 process.

10 This isn't your only opportunity. You can  
11 do it tomorrow, next week, the week after, the  
12 week after. Whatever you want to do. So the  
13 comment will be looked at, whatever you make.

14 Then the drafts will be made public.  
15 There, again, the computer is the best way to  
16 keep up with that to do it through email. But  
17 you will be sent -- at some point you will  
18 probably be sent a draft. I assume we'll do a  
19 draft at that point.

20                   But at the point that the committee is  
21                   done and thinks that we have a good set of  
22                   regulations, the regulations then will go in  
23                   front of the entire board, which is the 15  
24                   members of the board. The board will vote on  
25                   that. Then at that time that goes through a

89

1                   period that where those will be mailed out and  
2                   all the regulations will be mailed out to you.

3                   You have to read through the regulations,  
4                   send your comment in again on them and say I  
5                   think you need to change this and change that  
6                   or add this and add that. At that point it  
7                   comes back to the board and the board will  
8                   review those comments and adjust the regulations  
9                   at that point. Then it will go out for another  
10                  process step. I don't know what the last final  
11                  process is but it will go out for a final  
12                  process and there will be a public comment  
13                  period before it will actually become final.

14                  It's a long process. The process that  
15                  these regulations -- we voted on the general  
16                  regulations in -- I don't even remember when we  
17                  voted the original draft set of regulations,  
18                  Was it March of last year?

19                  R. MINER: December of 2007. And then you  
20                  left out a couple steps. There's two agencies  
21                  that it has to go to. The Secretary of  
22                  Transportation has a guy that looks at them.  
23                  And what's that other one that looks at the  
24                  costs to the individual?

25                  C. BROWN: DPB.

90

1           R. MINER: Department of Planning and  
2 Budget and looks at the impact of it on people.  
3 And I can tell you on the general regulations  
4 -- probably 96 percent -- I'm making a guess  
5 but somebody correct me if I'm wrong -- of the  
6 suggestions that you guys give us we  
7 incorporated and took them. And I suspect that  
8 we'll do the same thing on the public safety  
9 ones, too. People say they were very onerous  
10 last time. Yeah, they might have been but they  
11 hadn't gone through the public process yet.  
12 And that's what we're here for is to hear those  
13 things.

14           If I can make a suggestion because I don't  
15 think that Marc's going to have the money to  
16 mail out the documents to each and every one of  
17 you. I know of four organizations now, and  
18 there may be more I just don't know, but you  
19 got VATRO, MIHROA, the AAA sends it to all the  
20 people on their towing list, and the  
21 Commonwealth Towing Association, Virginia  
22 Beach Wreckers Association. Isn't there a  
23 valley one? Shenandoah Valley one something  
24 like that.

25           C. BROWN: I don't know.

91

1           R. MINER: Well, if you join that there or  
2 form one down here, it doesn't have to be  
3 anything other than an informal group. I'm  
4 sure Marc would mail a copy to your person here  
5 in Danville who is going to coordinate, and  
6 y'all can meet like that. I mean, it's just  
7 impossible to get it out any other way. But  
8 that's what I would suggest to you.

9           FROM THE FLOOR: Okay. Thank you.

10          A. ORR: What is the website that it has  
11 to be posted on? Is it old Town Hall?

12          J. M. COPELAND: That's correct. If you  
13 go to Town Hall dot gov or Virginia Town Hall  
14 dot gov, I think it will get you on the  
15 computer and get you on the Town Hall site.  
16 And then when these regulations are posted for  
17 public comment, you can print off a copy right  
18 off your computer. It's real simple to get  
19 that.

20          C. BROWN: You can also access it through  
21 the board's website and access Town Hall  
22 through that.

23          R. DRUMHELLER: This gentleman up here.

24          J. STIPER: John Stiper of West Virginia.  
25 The state police officer been through my place

92

1           about three times and he brought regulations by  
2 every time he came through and stopped every  
3 tower that was on the state police list with  
4 signs saying that you will go. If you run in  
5 and out of state now, if you ain't got, you  
6 can't run legal nowhere. You can't run in

7 North Carolina or Virginia. DOT will stop you  
8 and fine you in out-of-state tags, am I not  
9 right?

10 LT. HARDISON: That's correct.

11 J. STIPER: You can't go to North Carolina  
12 and own a small rollaway.

13 E. GEORGE: What is it? I got DOT.

14 J. STIPER: Kentucky or anywhere else if  
15 you're licensed in the State of Virginia. Run  
16 down there in Tennessee one time and that will  
17 change your mind, \$168 changed my mind.

18 S. WYATT: Mr. Chairman, that's a federal  
19 regulation.

20 E. GEORGE: State trooper come by my shop  
21 and told me I don't have to go.

22 A. ORR: That might work in Virginia but  
23 when you cross that line, you sort of do what  
24 the Romans do. You go down to Tennessee, you  
25 better stop.

93

1 FROM THE FLOOR: Or they're going to bring  
2 you back.

3 (Multiple conversations are going on.)

4 R. DRUMHELLER: Let's keep it to one at a  
5 time. The reporter can only record one person  
6 at a time.

7 D. JENKINS: Doug Jenkins of Virginia  
8 Diesel. I got a question. When you talk about  
9 public safety, if I pull in a GMC truck a  
10 16-ton truck got hydraulic brakes and 11.25  
11 tires on it; a Ford L-9000 that's got 11.25

12           tires with air brakes. I'm sure the gentleman  
13           down there in the black shirt, sir, of the  
14           board, would you agree with me that most  
15           sheriff's deputies -- and not taking nothing  
16           away from with the sheriff's deputies -- would  
17           you agree with me that most sheriff's deputies  
18           wouldn't have the least bit of idea between  
19           that truck that's got hydraulic brakes or that  
20           truck that's got air brakes? When he pulls up  
21           on the scene if a wreck, would you agree with  
22           me he wouldn't have any idea if that truck had  
23           hydraulic brakes or air brakes?

24           R. MINER: I can't speak for the whole  
25           thing but I would say probably not.

94

1           J. STIPER: The state police is a  
2           different ball game because their people  
3           regulate the trucks. But would you agree that  
4           most of them, most average people seeing both  
5           trucks sitting there wouldn't know whether they  
6           had hydraulic or air brakes, right?

7           LT. HARDISON: We have what we call a  
8           motor carrier team for the state police.

9           J. STIPER: I know the state police does.  
10          And they're the ones that would regulate. But  
11          would you agree with me the average person with  
12          both trucks sitting there wouldn't know whether  
13          it had hydraulic brakes or air brakes, correct.

14          LT. HARDISON: That is correct.

15          J. STIPER: And the hydraulic hooks up  
16          under the tractor-trailer and he's towing it  
17          down the road -- and if there's not somebody

18           that has control with the regulatory committee  
19           that you was making a comment about -- he's  
20           going down the road and that truck he got is  
21           weighing is weighing 14,000 pounds. That air  
22           brake truck he's towing is 23 - 24,000 pounds.  
23           He got a way to hook up to the tractor-trailer  
24           to stop the tractor-trailer. And the guy that  
25           got the hydraulic brakes don't.

95

1           And all of a sudden if there's not  
2           somebody out there -- and I'm mostly directing  
3           this to the sheriff's office, because the state  
4           police has got their services with the motor  
5           carrier unit. So, therefore, to me it's got  
6           to be somebody standing there saying wait a  
7           minute, this guy's not capable of hauling this  
8           tractor-trailer, you know, going down the road,  
9           doing the curves and the bumps in the country  
10          as we call it down here.

11          And so I feel very strongly that the board  
12          should have some kind of a regulation of what  
13          and who is towing what. So I just wanted to  
14          make that comment.

15          R. DRUMHELLER: Did you have a comment?

16          N. SAPOUNAKES: I just have one question.  
17          Which towing association did the State of  
18          Virginia come up with the proposed requirement  
19          a year ago?

20          C. BROWN: That was a combination between  
21          what we received from them. It was a  
22          combination between the MIHROA organization and

23 a VATRO organizations.  
24 N. SAPOUNAKES: A combination of the two?  
25 C. BROWN: Two, yeah. They both supplied

96

1 written suggested requirements.  
2 N. SAPOUNAKES: And what was the two that  
3 you have to have as far as large stuff?  
4 C. BROWN: Just drafts. I don't remember  
5 what was it two 25 ton trucks? I forgot what  
6 it was.  
7 R. DRUMHELLER: One 25 and one 35 is what  
8 it was.  
9 C. BROWN: I remember it was the only  
10 equipment requirement was the step two large  
11 hydraulic wreckers. I don't remember the exact  
12 ton. I think maybe it was a 25 and a 35. And  
13 to have access to -- you didn't have to have  
14 access to air bags and landalls and retractors.  
15 And box trailer to have access to those to have  
16 how did we have that phrase a written  
17 contracted agreement where you would have that  
18 submitted to you if you needed it on an  
19 accident scene.  
20 LT. HARDISON: Written or leased  
21 agreement.  
22 C. BROWN: Yeah, written agreement. If  
23 you were on the list that you would have that  
24 supplied to you or have someone that could  
25 supply those items to you.

97

1 R. DRUMHELLER: Let's get some of the  
2 people that haven't been heard.

3 LT. HARDISON: Yes, in the red hat.  
4 What's your name, sir?

5 D. YOUNG: David Young, Young Automotive.  
6 Licensed operator must maintain insurance  
7 \$750,000, automobile liability, one. Two,  
8 minimum \$750,000 general liability commercial.  
9 Minimum \$50,000 garage keepers. I understand  
10 the liability and I understand the garage  
11 keepers. I don't know the 750, the second  
12 because. I talked to my insurance company the  
13 other day to make sure I had the ducks in line,  
14 and they didn't know what I was talking about.  
15 I mean it's 750, 750, 50. So I need to know  
16 when I talk to them next time that I make sure  
17 my insurance policy is right.

18 Another thing I want to say is see these  
19 all these people in here when there's ice on  
20 the road this is how many times you need us.  
21 If you have one over here having family  
22 problems or divorce or who knows what, you  
23 might not have all these tow trucks. I say  
24 that keep in mind little small businesses, they  
25 keep saying what is running America.

98

1 G. TETER: There is one thing on the  
2 insurance that I want to make sure that  
3 everybody is aware of that the insurance people

4 do not make you aware of. If you hauled  
5 anything except a motorized vehicle or a  
6 licensed vehicles, you do not have to have  
7 coverage on it. If you go out here and move a  
8 storage unit or you go out here and put ATV's  
9 and little four wheelers on the back of your  
10 truck that don't need to be licensed. Unless  
11 you have what they call cargo insurance, you're  
12 not covered. The second 750 is Danville.

13 G. TETER: No these were just general  
14 regulations. This doesn't apply to everybody  
15 but the people that do it, need to realize  
16 that. For example, if they run into a box  
17 truck and you have auto coverage, which is in  
18 those requirements, and you go out there and  
19 something happens to that truck, the truck may  
20 be covered on your policy, but the contents of  
21 that truck is not unless you have cargo  
22 insurance.

23 And this is one thing that I wanted to  
24 make everybody aware of that a lot of insurance  
25 companies don't tell you. And they don't tell

99

1 you so they can keep their fees low.

2 FROM THE FLOOR: That's what they didn't  
3 tell me what. Damage a tractor, are you going  
4 to pay for it? No, sir.

5 G. TETER: But, again, this doesn't apply  
6 to anybody unless you haul something other than  
7 licensed vehicles.

8 FROM THE FLOOR: On the police list got to  
9 have that insurance?

10 G. TETER: No, you have to -- nothing has  
11 been done or even presented yet on those.

12 FROM THE FLOOR: I'm saying I went out and  
13 towed and the tow was a U-Haul trailer long  
14 truck.

15 G. TETER: The police themselves at this  
16 point might require a certain amount.

17 FROM THE FLOOR: I'm saying for me to be  
18 on the highway for the police department safety  
19 towing I got to have cargo insurance?

20 G. TETER: No. There's no regulation as  
21 far as public safety towing goes at this point.  
22 I just threw that out there so everybody  
23 understands that you may think you have  
24 coverage on some stuff and you don't.

25 FROM THE FLOOR: I thought I did.

100

1 J. M. COPELAND: Mr. Chappell, if I may  
2 and I apologize, Mr. Young, I don't have an  
3 answer as far as the \$750,000. The second came  
4 too late in the game to get those discussion,  
5 but I assure you if you give me your name and  
6 number, and anyone else that wants to hear  
7 this, give me contact information. I will be  
8 glad to send it out. I will get an answer for  
9 you because it's an insurance-related question,  
10 and I was not privy to those discussions before  
11 these were promulgated. And, I'm sorry, I  
12 can't answer that question but I will get the  
13 answer.

14 C. BROWN: I would like to add to that

15 about the insurance requirement, normally we  
16 have an insurance representative these meeting  
17 that would be able to explain this better than  
18 I can explain it to you. But we did take the  
19 insurance -- we had insurance involved in  
20 guiding us on the proper insurance you would  
21 need for the minimum insurance for hire towing.

22 I can't answer the second \$750,000 right  
23 offhand and I wish and normally like I said  
24 there's an insurance representative here to  
25 explain the terms.

101

1 FROM THE FLOOR: Looks like the same  
2 thing. General liability. Sounds like the  
3 same thing to me but I figured it had to do  
4 with cargo. That's why I was asking.

5 C. BROWN: And I'm trying to remember it  
6 that it was, yes, you're somewhat correct that  
7 they're the same thing. But there's different  
8 insurance companies and they called them two  
9 different things. Am I correct in saying that?

10 FROM THE FLOOR: The way it's written it  
11 says you have to have all three, so we  
12 definitely need to know.

13 C. BROWN: Best thing to do is give Marc  
14 your phone number so we can give you the proper  
15 answer for that.

16 J. M. COPELAND: We'll get the answer.

17 R. DRUMHELLER: Is there anyone that  
18 hadn't got an opportunity to speak to Sandy  
19 Childress? Ralph? Did you want to say  
20 something, Sandy?

21 S. CHILDRESS: You're doing a fine job.

22 R. DRUMHELLER: I will make Ralph sit  
23 down. I can do that.

24 RALPH: Please don't do that,  
25 Mr. Chairman. Thank you very much for giving

102

1 me the opportunity to speak. And, also, I want  
2 to thank all the members of the board here  
3 that's taken their time to come to these  
4 meetings and hold these meetings. First, for  
5 the benefit of the audience, I would like to  
6 introduce myself. My name is Ralph Welch. I'm  
7 from AAA Mid-Atlantic. I'm the fleet manager  
8 for the southern region.

9 The same regulations you were undergoing I  
10 have to undergo. I have fleets of over 40  
11 trucks with 54 employees that have to be  
12 licensed. So I will be sending a check to the  
13 board for well over \$3,200 for that licensing.  
14 Sandy Chillers here from AAA Mid-Atlantic is  
15 our contract manager. She deals more with the  
16 contractors that provide the service, which the  
17 majority of them are mom and pops which the  
18 health of our organization serving the members  
19 depends upon their help within the towing  
20 industry to be able to stay a viable part of  
21 it.

22 I would like to address a few things, and  
23 excuse me for being a little scatterbrained if  
24 I kind of jump across here, but first about  
25 addressing the board, Mr. Chairman. This board

103

1 has taken a completely different direction.  
2 And I think it's far more open due to Senate  
3 Bill 707. I believe you're more open to  
4 listening to the towing community and  
5 considering the options and their viewpoints  
6 and I want to thank you for that.

7 I am looking forward to working with the  
8 committee, especially when it is developing the  
9 safety regulations. The public safety  
10 regulations that we're supposed to be  
11 commenting on and everybody in here may not be  
12 aware of even what you're supposed to be  
13 commenting on. There was a draft public safety  
14 regulations and it did create quite a bit of  
15 controversy due to some of the requirements  
16 that are in there.

17 And if I may ask, Mr. Chairman, of the  
18 audience how many of you have even seen those  
19 draft public safety regulations. Has anybody  
20 seen those? With the exception of a few, this  
21 is actually the public safety regulation work  
22 document. And again I understand that the  
23 board says this is no longer in effect. But  
24 this is what was starting the controversy with  
25 the equipment standards that was causing the

104

1 issue and why that all these meetings were

2 being held.

3 After the board meeting -- once it's  
4 concluded, if you would like, I have some  
5 business cards here. If you would like to  
6 contact me, I'd be happy to send you a copy of  
7 it. And again, Mr. Chairman, this is not to  
8 create any controversy but it is due to the  
9 fact that this is what you're supposed to be  
10 commenting on is the creation of this. This  
11 was also a comment that was made by Mr. Fly and  
12 Ron Miner. Mr. Miner of the board. About the  
13 opinions of the police department and the  
14 sheriff's department and however that comes  
15 about.

16 And that gave me the idea of asking,  
17 Mr. Chairman, that the board possibly consider  
18 a special meeting of all the sheriff's and  
19 police departments to come to this meeting for  
20 this board to address their concerns with  
21 public safety towing. A meeting open to the  
22 public towers and everybody else but especially  
23 designated to all the law enforcement agencies  
24 to send a representative to this meeting with a  
25 copy of their current regulations, and allow

105

1 them to speak and give their opinions either  
2 pro or con for the public safety and get their  
3 opinion.

4 As the gentleman had spoken here quite  
5 eloquently and has lot of background, a police  
6 officer or a sheriff's department at this point

7 is not going to have the knowledge possibly  
8 that's required to make an on-site  
9 determination of you guys, the expert, has on  
10 the scene. Because that's the knowledge that  
11 this board is seeking in creating some of the  
12 public safety regulations.

13 But as I addressed with the mom and pop  
14 staying healthy, I do again want to reiterate  
15 something that I said before. Anytime that you  
16 make a minimum standard, whether it be  
17 training, whether it be regulation, whether it  
18 be equipment, somebody's going to profit. And  
19 somebody's going to pay. So with the pure  
20 intent that again what AAA endorses and what I  
21 said before, we feel public safety should be  
22 left to the local law enforcement community as  
23 far as they are the ones to indicate what the  
24 minimums are.

25 But I understand also what is required of

106

1 the General Assembly under the state code that  
2 you are required to created these lists.  
3 You're required to create these minimal. So  
4 be that being said, if this meeting possibly  
5 could be held for the representatives to come,  
6 I think you would be getting a better  
7 understanding of what the requirements are,  
8 with the minimum requirement then with this  
9 economic avenue that we're under right now,  
10 with the conditions that we're under right now,  
11 it would be less of a burden as far as the  
12 police departments or in fact with this board

13           creating something that's onerous to everybody  
14           here to be able to stay in business.

15                     And again that is what our intent is  
16           because that's where a majority of our  
17           contractors come from that do an outstanding  
18           job. The general regulation that was created  
19           had -- if it has anything to do with the safety  
20           of the motoring public in the State of Virginia  
21           or elsewhere for AAA, we have 1.4 million  
22           members within the State of Virginia that we  
23           want to make sure that is taken care of.

24                     Some background checks and fingerprinting  
25           making sure sex offenders are not in the truck

107

1           -- I think Mr. Fly already spoke to this --  
2           there is nobody objecting to this other than  
3           the fees and keeping those fees down to the  
4           expense of these owners. That's what we're  
5           looking for.

6                     And, yes, the meetings were held open  
7           before. The general regulations as you see  
8           right now is a far differ regulation than what  
9           it began with. And we voiced many objections  
10          and many opinions. And one of those were the  
11          costs to the small towing business. And you  
12          did hear that and those costs were reduced.  
13          And I appreciate that and I want to thank this  
14          board for those considerations.

15                     Public safety towing we're going to be an  
16           active member and you're going to see me again  
17           many more times through that process. But I do

18 look forward to working with you, Mr. Chairman,  
19 and with you, Mr. Teter, in the regulatory  
20 committee.

21 There's a couple parts of the code that I  
22 did want to just point out. Mr. Copeland, you  
23 had mentioned that the regulations I believe  
24 has to be mailed out to all licensees, and that  
25 they would get a copy of the regulation they

108

1 fall under?

2 J. M. COPELAND: At the point it's  
3 finalized. Thirty days before it finalized, it  
4 needs to be sent out.

5 R. WELCH: There are general regulations  
6 have already been finalized.

7 J. M. COPELAND: And it was sent out.

8 R. WELCH: And it was sent out. So within  
9 the state code -- and I'm not arguing with you  
10 -- the state code indicates that any regulation  
11 promulgated under this section shall be mailed  
12 to each licensee 30 days prior to its effective  
13 date. So that requires that every person that  
14 is licensed would actually have to have a copy  
15 of this regulation mailed to them by the board  
16 in compliance with the state board; would that  
17 be correct?

18 J. M. COPELAND: If I may, not to mince  
19 words or split hairs, because I addressed this  
20 question with the Attorney General's Office  
21 before we did a mailing. We did not have any  
22 licensees to mail this to, the general  
23 regulations. We were advised to mail it to all

24 of those that we knew of who were intending or  
25 indicated or that we knew of that might

109

1 potentially be licensed, which is what we did.  
2 And we did that in compliance with the statute.

3 So, you know, it's a little different than  
4 what you said but essentially the same thing.

5 R. WELCH: To the best of the efforts of  
6 the board?

7 J. M. COPELAND: Correct.

8 R. WELCH: AAA efforts there within  
9 assisting the board we have distributed  
10 materials during the tow show last year in  
11 Baltimore, as well as, if the board provides us  
12 with some more materials, we would be happy to  
13 do that together again at our tow show if  
14 anybody is planning on attending.

15 We have sent letters to all our  
16 contractors and keeping them informed to what  
17 our position is and when the meetings are and  
18 so on and so forth. As well as, I've just  
19 written an article that's coming out in the  
20 Pacesetter Newsletter that gets sent to our  
21 contractor network.

22 And, again, if you've got any questions,  
23 please contact Sandy Childress or after the  
24 meeting, I'll give you a card or call my office  
25 or email me and I'd be happy to talk about

110

1           that.  Again, Mr. Chairman, I don't want to  
2           beat you up over this but I really encourage  
3           the thought of this meeting for all of these  
4           police officers, sheriff's officers,  
5           representatives of law enforcement due to the  
6           fact that what is being required under the  
7           public safety towing.

8                     If it is going to enhance any safety to  
9           the Commonwealth motoring public, we're in  
10          favor of it as long as it does not create an  
11          economic burden, an unnecessary economic burden  
12          to any one of the people that we have within  
13          this industry.  That is what AAA -- and again  
14          AAA states that we feel that should be left to  
15          the local law enforcement agencies.

16                    Barring any -- one last thing.  Conflict  
17          with local ordinances.  It states in here under  
18          State Code 46.228 28 conflict with local  
19          ordinances that you can actually -- the local  
20          boards can actually establish regulations and  
21          they can be complied to and deferred to as long  
22          as they're more stringent than what you have on  
23          the books.  And that's usually what state law  
24          does.  It supercedes any local ordinance.  It  
25          can be more stringent but it can't be less

111

1           stringent.

2                     In this case what we're asking is please  
3           consider this when adopting and creating the  
4           public safety regulations knowing that some of

5 the local information that you may be getting  
6 from this meeting may already be far more  
7 stringent than whatever you're going to  
8 consider.

9 But what we need in northern Virginia may  
10 not be needed down in Danville, Virginia and  
11 vice versa. Barring any questions from the  
12 board, thank you for your time.

13 R. DRUMHELLER: Thank you, Ralph.

14 (Audience applauds.)

15 R. DRUMHELLER: Dennis.

16 D. CARTER: Dennis Carter of Carter  
17 Towing. I'm a two-man, three-truck operation  
18 so I think I'm pretty much where you are.  
19 Whenever you set your public regulations as  
20 public safety standards, I want you to look at  
21 your mission statement. And I'll read it real  
22 quick if it's all right. "Mission of the  
23 Board, to towing and recovery operators, to  
24 protect the public by setting standards and  
25 qualifications, training and experience for

112

1 those who seek to represent themselves to the  
2 public as towing and recovery professionals.  
3 And promoting high standards of professional  
4 performance for those engaged in the business  
5 of towing and recovery."

6 Whenever you start your public safety  
7 regulations, recovery is a large part of that.  
8 I want the board to keep in mind the equipment  
9 needs to be rated or designed for recovery.

10           There is a couple rollbacks that are rated for  
11           recovery. Most of them are not. I know, we  
12           used them for recovery. But I feel the board  
13           needs to look at your mission statement and  
14           think about what it says.

15                     I believe you have the responsibility  
16           personally. And I believe you need a rollback  
17           -- if you do small work, you need a wrecker  
18           rollback. Large stuff I know there's truck  
19           areas that can't support large equipment. I  
20           can. And this started last year when you  
21           started talking about public safety. I bought  
22           a second truck. I don't need it but if that's  
23           what it's going to take to keep doing my public  
24           safety, I went ahead and bought the truck.

25                     The training, I feel like training is more

113

1           important on the high end of business for the  
2           equipment. Volunteer fire fighters go through  
3           training every year and have a certain amount  
4           of training and the wrecker operator don't need  
5           to have any training. And I really appreciate  
6           what y'all do and what you've done and  
7           appreciate the chance to speak.

8                     R. DRUMHELLER: Thank you, Dennis. Any  
9           other comments?

10                    FROM THE FLOOR: Just follow up on what he  
11           said about training.

12                    Most of the people in here be driving a  
13           tow truck for years. I may be old but I have  
14           only been driving one for eight months. What  
15           training is available and does the board plan

16 to get any training materials out at any point  
17 for new drivers, inexperienced drivers, what  
18 have you.

19 MR. DRUMHELLER: There's all kinds of  
20 training available. This board will not be  
21 getting into training. That's through your  
22 associations, Wilberg, Wreckmaster, AAA. You  
23 can get AAA providers, AAA classes.

24 C. BROWN: Receiving training, you come  
25 see me afterwards. I'll give you names and

114

1 numbers of a lot of them and state associations  
2 and some of them are doing some training  
3 involved in it, also. You do at AAA?

4 FROM THE FLOOR: No.

5 C. BROWN: They have -- I think is it  
6 free. Ralph, is AAA's training free for the  
7 people who do work?

8 R. WELCH: For the contractors that work  
9 for AAA or signed up for AAA, it's free. And  
10 as we discussed before when we were going to  
11 work with the education committee, we're going  
12 to pursue that if you were a non-AAA  
13 affiliate.

14 C. BROWN: Quite a few companies offer  
15 training and I have attended several. I never  
16 attended AAA. And when they give me an  
17 invitation, I would like to go there sometime.  
18 But I have attended several of them and time  
19 well spent. It's a good idea for you to do  
20 that.

21

R. DRUMHELLER: Man in the back.

22

J. CHOWER: Jeff Chower, Halifax Auto. I

23

know the general regulations all this go

24

through. But I hope when they do the public

25

safety, the website to me wasn't very user

115

1

friendly. I thought I got on the bandwagon

2

pretty quick. And a lot of the links I clicked

3

onto said under construction and led me to the

4

Town Hall deal so I could express an opinion.

5

And I clicked on that and it says discussion

6

has ended for this topic. When I first got my

7

little card, you know, so it was all over with.

8

J. M. COPELAND: Well, Mr. Chairman, since

9

I came on board on August 13th, I've made some

10

modest improvements or tried to make some

11

modest improvements to the website and its

12

functionality. I'm not satisfied that those

13

improvements have been expanded far enough to

14

be totally user friendly but right now you will

15

find the final regulations. You will find the

16

public participation guidelines. You will find

17

the applications that are out there. You will

18

also find any code section, that the key code

19

sections that are related to towing including

20

abandoned vehicle, mechanics and storage liens

21

and the BTRO's. Those are out there as well.

22

We've eliminated the contact page

23

because, obviously, that's no longer necessary

24

in terms of trying to contact us because wire

25

in the licensing process right now. So we're

116

1 involved in that kind of contact already. So  
2 we're trying to make it efficient.

3 It is sometimes a time-consuming process  
4 given the way that we have to deal with the  
5 website coordinator. We do not control our  
6 website. We have to request changes to be  
7 made. They're usually done within minutes of a  
8 request and that's literally within minutes.  
9 But there are things that we're going to have  
10 to improve on that process. And we're going to  
11 get to that, absolutely. That is on the radar  
12 screen is what I would say.

13 FROM THE FLOOR: You mentioned abandoned  
14 vehicles. Is it true there's a whole new deal  
15 on that in 2009?

16 J. M. COPELAND: Mr. Chairman, if I can.  
17 I wanted to before we even had this meeting --  
18 and I think this the as good a point as any to  
19 alert you all to the fact that there is -- it's  
20 not set in stone at this point but it should be  
21 in the next couple of days a meeting of the  
22 boards in Harrisonburg on November 13th. This  
23 will be prior to the public meeting, public  
24 safety towing meeting like this at 6.

25 This will be starting at 1:30 in the

117

1 afternoon. Again, not set quite in stone yet,

2 but that meeting will be taking place. And I  
3 just wanted to alert all of you to that. And  
4 please if you have an opportunity to be there,  
5 we recommend that you try to do that.

6 Oh, that's right, I'm sorry. Hello, the  
7 DMV, Department of Motor Vehicles has just  
8 completed its efforts multi-year efforts of  
9 dealing with salvaged and abandoned vehicles,  
10 and they will be making a presentation to the  
11 board during that meeting. And that should  
12 hopefully help clarify what that process is  
13 going to be.

14 They will be there to answer questions of  
15 anyone that deals with that. So we're very  
16 hopeful that's going to be a very full meeting  
17 in a lot of different ways. And that's one of  
18 issues on the agenda. We're getting the  
19 finalized schedule out there with the agenda,  
20 so try to check it out on our website or the  
21 Town Hall or the Commonwealth Calendar and you  
22 will be able to verify what the agenda is and  
23 the time appearance and places of the  
24 meeting.

25 J. ROLLINS: I have a question. Are any

118

1 of the board members paid to be on this  
2 board.

3 C. BROWN: Are paid?

4 J. ROLLINS: Board members paid.

5 C. BROWN: No.

6 J. ROLLINS: Nobody is paid?

7 J. M. COPELAND: I'm not a board member.

8                   R. DRUMHELLER: We get a per diem of \$50  
9 per day.

10                  C. BROWN: Rephrase that. You get paid  
11 \$50 when you show to a meeting, not per day.

12                  J. ROLLINS: Okay. Where -- if we pay  
13 these fees to this board, where will they go?  
14 Will it go for salaries for this man or where  
15 will they be going to? Where has the money so  
16 far been spent? If they cannot afford to mail  
17 a 41-cent letter with information in it, where  
18 has the money gone and where will it be going  
19 to?

20                  J. M. COPELAND: Mr. Chairman, Miss  
21 Rollins. This board has been operating off of  
22 treasury loans for the last two years. And  
23 right now it's still operating off treasury  
24 loans. Those loans have to be repaid. There  
25 are two loans of roughly \$350,000 each totaling

119

1                   \$700,000. Money certainly will be allocated to  
2 operating the board, the staff of two -- myself  
3 and my assistant Daphne Phillips. Those  
4 salaries will be paid.

5                   Any additional members that come on, the  
6 fees will be paying the salary of anyone else  
7 coming on. Any activities that the board  
8 makes, the costs that are related to the  
9 operation of the board, they will be coming out  
10 of the fees. And certainly the biggest  
11 component here. And let me just add another  
12 thing. We're, obviously, in the process of

13           licensing. We'll have to be paying for that  
14           process. The biggest cost is going to be  
15           repaying those treasury loans. And, you know,  
16           that has to happen and it will happen under the  
17           current scenario.

18                     So that's where the monies are going to be  
19           going at least at this point that I know of.

20                     J. ROLLINS: So why should we be paying  
21           you this money if these are the only  
22           regulations that we have right now? We do not  
23           have anything as far as public towing safety  
24           goes. We meet the insurance requirement. We  
25           meet -- if we meet our requirements by our

120

1           state and local levels, it doesn't seem to me  
2           like we need to have a board to tell us that  
3           who can drive our truck or we need to just pay  
4           your fee to say that we can drive a truck when  
5           we're already meeting our state and local  
6           requirements to do this. We're paying our  
7           insurance. We have the proper licensing. We  
8           go through DMV. We have been doing everything  
9           that is required of us right now.

10                     Common sense tells us we get a call to an  
11           18-wheeler wreck, we can't do that. That has  
12           to go to Donnie and Mr. Regain back there. The  
13           local people sitting here with me we cannot go  
14           out and tow a truck like that. Common sense  
15           comes into play. So why do we need this board  
16           with these regulations that just basically says  
17           pay us a fee to be on the list?

18                     R. DRUMHELLER: If all towers were

19           legitimate, proper licensed and had their  
20           insurance, there probably wouldn't be any need  
21           for this board -- and trained their employees.  
22           Probably wouldn't be any need for this board.

23           J. ROLLINS: But we wouldn't be on this  
24           lists if we were not properly regulated by the  
25           state and local levels.

121

1           R. DRUMHELLER: You may well be. You may  
2           adhere to the regulations that are out in  
3           place, the laws that are in place, but there's  
4           many out there that don't. There's many people  
5           out here running with pickup truck tags. Some  
6           even running where one incident a guy was  
7           operating a tow truck that had antique tags on  
8           it. So you know he doesn't have the no  
9           insurance.

10           J. ROLLINS: So wait a moment. Go after  
11           this man.

12           R. DRUMHELLER: Who is going to do that  
13           and who is going to make the industry more  
14           professional if we don't do it ourselves?

15           J. ROLLINS: We have a State Police  
16           Department.

17           R. DRUMHELLER: They would love to do  
18           that.

19           J. ROLLINS: When you're called on the  
20           state police list and we're called out, if we  
21           do not have towing tags on the truck, we're not  
22           supposed to be allowed to pick a vehicle up.

23           LT. HARDISON: That's correct.

24 J. ROLLINS: So why do y'all sit here and  
25 tell me they're towing with antique tags?

122

1 Yeah, they may get to two something but it's  
2 still wrong. But until he gets caught by the  
3 state police, who is going to keep him off the  
4 road? This boy's not going to do it. This boy  
5 just by paying you a fee to board is not going  
6 to keep John Doe off the street from towing  
7 when he wants to.

8 R. DRUMHELLER: It's certainly not going  
9 to happen immediately but it will happen and  
10 you will never get rid of all of it. It's like  
11 the senator from Alaska that just got a felony  
12 for not reporting. Bad apples in everything.  
13 Hopefully, this board can operate and this  
14 board will make this a more professional  
15 industry.

16 J. ROLLINS: I think it should be left on  
17 the local level like everybody has been  
18 suggesting. Richmond area have their towing  
19 whatever since then, and just leave the rest of  
20 us to our local level because we're not even  
21 considered in this to begin with.

22 W. HERRING: Mr. Chairman, and just to  
23 answer your question, it just very well may be  
24 that just as Mr. Fly has proposed.

25 J. ROLLINS: It's been working for all

1           these years as Mr. Regain and Donnie can tell  
2           you. They've been towing longer than we have  
3           and it's been working all these years and so  
4           why start with something new now?

5           W. HERRING: That's why we're sitting here  
6           listening to you.

7           J. ROLLINS: But you weren't listening  
8           when you put this together.

9           W. HERRING: You're talking about two  
10          different regulations. You're talking about  
11          the regular regulations.

12          J. ROLLINS: But this doesn't apply to us  
13          either. We do not need to pay a fee for a  
14          truck that we already have on the road. We do  
15          not need to pay you for a little decal to put  
16          on the truck to say we can tow. This is two  
17          different things. And what do we need this  
18          for?

19          R. DRUMHELLER: Dennis.

20          D. AMOS: Within the past five years was  
21          the state police prepared to change all their  
22          towing standards? Did it go out -- did the  
23          first sergeant's rough draft go out in the past  
24          five years?

25          LT. HARDISON: Well, I can't speak on

1           behalf of the entire state on that. We did  
2           have some regulations that we were looking to  
3           do for the entire state. I'm working on some  
4           now but I personally put them on hold because

5 of the public safety towing regulations and the  
6 board itself.

7 And before we were going to take the extra  
8 step with the Department of State Police the  
9 board was formed and we put ourselves on hold  
10 just to see what the board had come out with.  
11 And that's why it was put on hold.

12 So to answer your question, yes, we were  
13 anticipating something to come out statewide  
14 and then the Board of Towing and Recovery  
15 Operators was formed and we put ourselves on  
16 hold so to make sure that we comply with  
17 everything that was forthcoming.

18 D. AMOS: Thank you.

19 W. JOHNSON: Wayne Johnson, Wayne's Auto.  
20 How's this going to affect the people hauling  
21 scrap, just flatbed trucks and got some stuff  
22 hanging on there and they ain't paying all the  
23 fees and insurance? How is this going to  
24 affect them? They're going and hauling stuff  
25 down the road all the time. They ain't got it

125

1 secured or strapped on. Are they going to pay  
2 the fees and stuff that we're going to?

3 R. DRUMHELLER: Charlie, if you'd like to  
4 speak to that.

5 W. JOHNSON: Rollbacks is he going to have  
6 it covered like we are?

7 C. BROWN: If he's towing the car and he  
8 does not own the car, yes. He will have to  
9 have the same exact same thing as you will. If  
10 he owns the car, then, no, he is exempt from

11 it.

12 W. JOHNSON: What about all the people to  
13 the scrap place and stuff?

14 C. BROWN: That's kind of been a thorn in  
15 my side from the beginning, too. And we've  
16 heard that from a lot of people. That is bad.  
17 Probably, a lot of them going up the road.  
18 They are not tying the cars down.

19 I know my company we've received several  
20 calls from the police department looking for a  
21 tow truck that a transmission fell out of a car  
22 or wheel came off a car they were towing where  
23 they were scrap haulers. How to address that?  
24 If we catch them hauling a vehicle that doesn't  
25 belong to them, then they will --

126

1 W. JOHNSON: Most of your stolen vehicles  
2 go there when the steel was high.

3 C. BROWN: Yeah, and I know that's been a  
4 problem in the past, too. That is something  
5 we're going to address. I know it's a problem.

6 W. JOHNSON: Steel down they won't get as  
7 many. They won't hauling it.

8 G. TETER: It's my understand that this  
9 meeting in Harrisonburg with the DMV is  
10 presenting to the board, and their task force  
11 has a lot to do with salvage and salvage laws  
12 that they have to propose. So I guess we'll  
13 know more about it after the Harrisonburg  
14 meeting.

15 W. JOHNSON: What about abandoned cars?

16 And you can't sell them because you ain't got  
17 no title. And you go to the state police and  
18 it's never been registered and somebody's  
19 driving it and never had no daggone  
20 registration, no license.

21 G. TETER: I know. I'm hoping they will  
22 address that. I know I've got a vehicle on my  
23 property for five years and I can't get rid of  
24 it because there's no VIN number on it.

25 W. JOHNSON: Title Max is what's causing

127

1 me a problem. I don't know if anybody's dealt  
2 with Title Max if you got one here or not.  
3 They take a car -- and we pull the car in and  
4 it's broke down. They take the title and go to  
5 the Title Max and borrow \$250 off of that  
6 title. Then you're stuck with the car. You  
7 can't get a title and the car is stuck on your  
8 property, and you can't do nothing with it.  
9 You go sell it they will get you for stealing  
10 the car.

11 G. TETER: I think that's what this task  
12 force is designed to create.

13 FROM THE FLOOR: And you can't get rid of  
14 it.

15 W. JOHNSON: And you got to.

16 R. DRUMHELLER: That's what the DMV task  
17 force is supposed to be working on. Let's keep  
18 it one at a time. Miss Rollins, we do  
19 appreciate where you're coming from and I know  
20 you don't want to be regulated. Nobody wants  
21 to be regulated. If you'd like to talk to us

22 after, I don't know what kind of answer I can  
23 give you, but we'll be glad to talk with you  
24 anytime. Look was next? This gentleman right  
25 here.

128

1 FROM THE FLOOR: I'd like to direct my  
2 question to the trooper.

3 LT. HARDISON: Please.

4 FROM THE FLOOR: Since we're talking about  
5 towing for the state police. Are we going to  
6 have any way of regulating who is called to  
7 these wrecks and who calls? I was told several  
8 years ago when I ask the question, to mind my  
9 own business and leave it alone. And my  
10 question was how can a man with one truck at  
11 the time, that was me, get called once every  
12 six months to a state police wreck, and  
13 somebody else that has a bunch of trucks gets  
14 called every other day.

15 And I thought the law said there was a  
16 list that a company has five trucks, they get  
17 one place on the list. I got one truck. I get  
18 one place on the list. It's supposed to be  
19 equal. Isn't the law something about if you  
20 got a truck on the list, and you have if five  
21 businesses, and that the truck and the driver  
22 have to be registered.

23 LT. HARDISON: And we're only talking  
24 about state police towing lists not a law?

25 FROM THE FLOOR: The state police towing

1 list.

2 LT. HARDISON: The way the rules are for  
3 now, and also speaking to Mr. Carter's question  
4 from the floor, is you're on the rotation one  
5 time. But if you have a secondary business  
6 under a secondary name or a third or fourth  
7 business; if you have five different entities  
8 in that one jurisdiction, then this individual  
9 can have his call and all the other five will  
10 also.

11 However, it is supposed to be that  
12 whatever truck from those other five entities  
13 is supposed to come from that company. It is  
14 supposed to come from that business, that lot,  
15 that site. And that is the answer.

16 FROM THE FLOOR: Point in fact, and,  
17 Junior, don't hate me, but we have a company in  
18 our town that has every dealership and wrecker  
19 services and all registered to the same company  
20 name and they get 10, 15, 20 more state police  
21 calls than I get. I may be the only one in the  
22 room with that problem.

23 LT. HARDISON: No, sir, you're not. I  
24 know this happens statewide and I appreciate  
25 you bringing that up. And all of you take heed

1 to this. It does happen across the state.  
2 What you need to do is contact the sergeant in

3 your area, whatever area you're in. The area  
4 meaning whatever county the state police is  
5 working out of at the time. And advise them of  
6 what is going on and they will rectify the  
7 problem.

8 Again, if you do not seek refuge by going  
9 to them and take it to the next level to the  
10 first sergeant up to the headquarters  
11 lieutenant, because the headquarters lieutenant  
12 is ultimately responsible for all the towing in  
13 his or her division.

14 FROM THE FLOOR: The sergeant that I am  
15 referring to is not there any longer. And he  
16 is the one that told me don't make waves. And  
17 I didn't because I was fighting a much bigger  
18 opponent than I was.

19 LT. HARDISON: I understand, sir, the  
20 squeaky wheel always gets the grease.

21 FROM THE FLOOR: Are we going to have any  
22 kind of control over who you call to the wrecks  
23 or just regulating what we do? That was my  
24 question by the way.

25 LT. HARDISON: Well, the answer to the

131

1 question is, you know, if you have six  
2 different companies on the list, different  
3 names, then the companies are going to be  
4 called one at a time. We have to -- we go off  
5 of a rotation list and that's how we operate.

6 C. BROWN: Can I answer a little bit more  
7 specific. Do we have control over who they

8 call. That's the comment you need to put in  
9 writing of what you think that we would need to  
10 specify for regulations for the public safety  
11 and send that in.

12 FROM THE FLOOR: All right, thank you.

13 LT. HARDISON: Gentleman up there. Like  
14 what he was talking about.

15 FROM THE FLOOR: You call one name out of  
16 five dealerships, you get the same two trucks  
17 any time of night. Because A, B, C or D either  
18 one of the two trucks or drivers will show.

19 FROM THE FLOOR: Yup.

20 LT. HARDISON: That needs to be addressed  
21 so it's a level area. It should be. I can  
22 tell you in my jurisdiction when I was in the  
23 1st Division, which is the Richmond Division or  
24 Tidewater and especially if I was working the  
25 road as a road trooper, which I have done for

132

1 almost two decades, if the right driver or the  
2 right truck did not come to the scene or out to  
3 the accident or get the junk vehicle, the  
4 abandoned vehicle then they were turned around.  
5 And the next one on rotation came. And they  
6 lost their turn.

7 FROM THE FLOOR: It's not that way. I go  
8 through one dealership and he had three  
9 franchises. We asked about these rotation  
10 slots for each of the three franchises. He  
11 said, no, you take the rotation you get or you  
12 get nothing at all. But two outfits bought two  
13 slots and the other outfit bought two slots.

14                   LT. HARDISON: Again, I encourage you to  
15 take it up with the first sergeant.

16                   FROM THE FLOOR: We tried it. Makes it  
17 even worse. You get less.

18                   LT. HARDISON: Then you take it up to the  
19 headquarters and they should be able to assist  
20 you in that.

21                   R. DRUMHELLER: Up in the back.

22                   D. ALLEN: Don Allen from Frank's Garage.  
23 My question is -- and I know every person in  
24 this room pretty much in our part of the  
25 country runs into the same situation and maybe

133

1                   Mr. Brown can answer my question. You put 13  
2 people on the list and you get into a situation  
3 that you need two extra people on an accident.  
4 I know probably everybody here has had it. But  
5 in my situation sometimes -- ain't been lately  
6 -- but you get so many calls you don't have  
7 enough people. So you call your neighbor and  
8 you call somebody that's helped you in the  
9 past. Can you do this? If you happen to know  
10 of this person on the list and they got a CDL  
11 license and they're legitimate, as far as  
12 driving, what happens when you're supposed to  
13 have -- if the person calls and turns you in.  
14 He got a man that ain't got a call. Do you see  
15 what I'm saying?

16                   C. BROWN: What you're saying is if you  
17 put a person driving a truck that's not got a  
18 license.

19 D. ALLEN: Don't have your license.  
20 C. BROWN: Don't have our license. And I  
21 believe under his regulations he has to be in  
22 the act of towing.  
23 LT. HARDISON: He can deliver the truck.  
24 C. BROWN: He can deliver the truck, too,  
25 like if he comes out to the accident scene, he

134

1 can deliver the truck. It last to be an act of  
2 towing.  
3 FROM THE FLOOR: You got a wrecker, and  
4 you need a rollback and the guy brings it out,  
5 but if he was to do the actual towing, that is  
6 the actual offense?  
7 C. BROWN: That's right.  
8 LT. HARDISON: Right.  
9 FROM THE FLOOR: Who's going to regulate  
10 that?  
11 C. BROWN: We are but are we going to be  
12 out there watching you every time.  
13 FROM THE FLOOR: I have been caught before  
14 and everybody in this room probably have been  
15 caught. If I need to have somebody to bring a  
16 equipment, I need somebody to know, especially  
17 on a Sunday, you've done it. I guarantee just  
18 like I have you got a call. What I'm saying is  
19 you get caught what it the fine? What is the  
20 cost? What are y'all people going to do about  
21 that if you get turned in?  
22 C. BROWN: Well, this is more of my  
23 opinion, I guess, than anything. Well, the  
24 opinion here is if you're in a violation -- if

25

you're found in violation, in my opinion, the

135

1 board should notify you of that violation. Let  
2 you know that basically not to do it again or  
3 help you correct whatever the violation is  
4 rather than come crashing down on you. The  
5 legal part of the board can assess I think  
6 \$1,000 per occurrence. Take your license if it  
7 keeps happening.

8 They can take the license away from that  
9 individual. There's several different things  
10 the board can do. In my opinion, I think we  
11 have discussed this a few times -- that the  
12 board will help direct you in the right way  
13 rather than to try to assess -- these are all  
14 civil penalties -- but rather than try to  
15 assess civil penalties.

16 FROM THE FLOOR: Excuse me, I'm sorry, but  
17 what is the permit for? Me or the truck? Do I  
18 have to have a special permit or do my truck  
19 have to have a special permit?

20 C. BROWN: Both.

21 LT. HARDISON: You will have a sticker  
22 also on the side of the door for your truck and  
23 then you will also have a driver's  
24 authorization document.

25 FROM THE FLOOR: So I'm going to need to

136

1 carry that all the time?

2 C. BROWN: It will be like a medical card  
3 or something like that.

4 R. DRUMHELLER: Gentleman way up back.

5 J. CHOWER: Jeffrey Halifax Auto. Can you  
6 elaborate on the final part of the application  
7 we have to mail in, you know, where it says  
8 we're signing over power of attorney to you  
9 guys if we go out of state for any length of  
10 time. What does that entail?

11 J. M. COPELAND: Mr. Chairman, that only  
12 applies to out-of-state applications. It does  
13 not apply to anyone that is in state.

14 FROM THE FLOOR: I thought meant when we  
15 went out of state.

16 J. M. COPELAND: I don't have a copy but I  
17 think it pretty specifically says if you're an  
18 applicant that is not a resident of this -- of  
19 Virginia, then you're now assigning all those  
20 power of attorney, etc. So it really does not  
21 apply to anyone that is a resident. Only out  
22 of state business.

23 FROM THE FLOOR: How are you going to  
24 enforce the repos with the quick snap under the  
25 bumper?

137

1 C. BROWN: Repo trucks, they fall under  
2 the same thing.

3 R. DRUMHELLER: With the description of  
4 the name on the door.

5 C. BROWN: The only difference with the

6 repo truck, they have to have the decals on the  
7 truck. There's a provision that was in the  
8 middle of the writing that I -- that was what  
9 -- a federal law that they didn't have to have  
10 the name on the door like you do. But they  
11 still have to have the decals. And they still  
12 have to have the license everything like you  
13 do.

14 FROM THE FLOOR: What if they're the out  
15 of state?

16 C. BROWN: If they are operating in the  
17 State of Virginia, it doesn't matter.

18 FROM THE FLOOR: If you're going out of  
19 state towing cars -- what if somebody is out  
20 Greensboro and they send their truck up here at  
21 night, how does a tower go get the truck?

22 C. BROWN: There's a company that does it  
23 24 hours a day online or a telephone number.

24 FROM THE FLOOR: So they're waiting on the  
25 side of the road for this guy to get a permit

138

1 and they just sit on the side of the road?

2 C. BROWN: The permit can be done in  
3 minutes.

4 R. DRUMHELLER: Any other comments?

5 LT. HARDISON: I've driven a long way to  
6 come see y'all folks. I want to hear from you.  
7 I really do. For us to base the decision that  
8 is going to be made.

9 FROM THE FLOOR: I'm concerned about  
10 getting the information from y'all. I have no

11 possibility of getting anything over the  
12 computer in no way, shape or form. The only  
13 way I get anything it's through the mail. So  
14 if there's anything that I need to see, I'm in  
15 trouble unless you will mail it to me.

16 LT. HARDISON: I encourage you, sir, to  
17 contact Mr. Copeland. He has you're several  
18 telephone numbers with BTRO, and I encourage  
19 you to take a look at it.

20 C. BROWN: I know that AAA, I see the page  
21 on the sheet of providers in my area police  
22 department. In my area AAA is notified and  
23 they send stuff out on a regular basis. Am I  
24 correct in that, Ralph?

25 R. WELCH: (Nodding head in the

139

1 affirmative.)

2 C. BROWN: Every towing company is AAA  
3 involved even my local police department, the  
4 officers I have kept him informed and he also  
5 told me that AAA keeps sending me stuff.

6 LT. HARDISON: Could you y'all please let  
7 the people know that were not here what was  
8 discussed and let them know about the  
9 regulations again. I can only speak on behalf  
10 of the state police. We do not want to lose  
11 anyone off of our towing list, anyone at all.

12 FROM THE FLOOR: We have our truck and  
13 driver's license -- legalized licensed to drive  
14 them, yet still drivers are driving with  
15 companies that ain't got licenses at all. How  
16 do you know who is legal and who isn't legal.

17 Just taking a chance when you pull up unless  
18 you check their license.

19 C. BROWN: Well, a lot of it -- or do you  
20 want to take that?

21 R. DRUMHELLER: Go ahead.

22 C. BROWN: I know in our industry --  
23 because I grew up in this industry -- we're  
24 probably quickest to squeal out the competitor.  
25 And you can go online. And again with this

140

1 gentleman without a computer, he's going to  
2 have to make his phone call. But you can go  
3 online and whenever the website is up, you're  
4 going to -- you would be able to look up who  
5 has a license and who doesn't.

6 FROM THE FLOOR: I saw one friend of mine  
7 driving a wrecker and he lost his license for  
8 DUI. He was driving a wrecker a few months  
9 that way.

10 C. BROWN: But on the website you will be  
11 able to look up who has a license, correct,  
12 Marc?

13 J. M. COPELAND: We have a place on the  
14 website, Mr. Chairman, and, Mr. Brown. We have  
15 a place on the website as I indicated at a  
16 meeting at Virginia Beach. We certainly do  
17 want to have up-to-date databases. We want  
18 people to be able to check the databases. We  
19 want to get those up as quickly as possible.  
20 And it should not be difficult once we finish  
21 up with the licensing process.

22 FROM THE FLOOR: I just want to tell you  
23 something funny. We have rollbacks operating  
24 in Henry County with farm use tags on it.  
25 C. BROWN: It's my locale where the guy is

141

1 running around with antique tags.

2 FROM THE FLOOR: This was bought in  
3 Wal-Mart, farm use, brand new one on the head  
4 gate and new one on the bumper.

5 FROM THE FLOOR: He is probably not on the  
6 state police list.

7 LT. HARDISON: Better not be.

8 FROM THE FLOOR: How long is this going to  
9 tie y'all up with the state police? State  
10 police is waiting an hour, hour and a half for  
11 a wrecker. Last time they had one there was  
12 five calls before we got a truck.

13 LT. HARDISON: Well, we hope that it  
14 brings the towing industry to a better level.  
15 As of January 1, 2009. December 31st at  
16 midnight it is going to be a Class I  
17 misdemeanor to operate a tow truck in the State  
18 of Virginia if you're not licensed by the  
19 board.

20 FROM THE FLOOR: Say that one more time  
21 again.

22 LT. HARDISON: December 31st at midnight  
23 when the clock strikes 0001, January 1, 2009,  
24 it is a Class I misdemeanor to operate a tow  
25 truck in the State of Virginia without a

142

1 license. And is that enforceable by law. And  
2 to answer the gentleman's question up there,  
3 we hope that these regulations make the towing  
4 industry better. We hope that it encourages  
5 the people that are towing with a -- encourages  
6 the people with a farm use tag or a out of the  
7 back of a pickup truck, that they are not  
8 towing illegally any longer.

9 Personally, I have stopped tow trucks  
10 before and they have dealer tags to call in an  
11 owner's request to tow his truck away. Because  
12 I knew he was towing illegally and I stopped  
13 him and towed his tow truck. And we hope that  
14 that will, you know, migrate across the state  
15 to make it better for y'all so it is a better  
16 time to come.

17 Now, it's not going to be an overnight  
18 thing. We need you to let us know who is not  
19 in compliance and we'll attempt to get them in  
20 compliance. But will it cause a hardship to  
21 some extent? It's a good possibility.

22 But personally I'm not in the towing  
23 business and when I'm waiting on the side of  
24 the road with a disabled vehicle in the rain or  
25 in the snow, it makes me very happy to see you

143

1 come. And I certainly appreciate what you do.

2 And I look at it as if you're on our state

3 police towing list, that you're an arm of us  
4 and you're an entity of us. And we work hand  
5 in hand with towing and we appreciate it.

6 FROM THE FLOOR: So we got to run up the  
7 prices to pay all the fines and fees.

8 FROM THE FLOOR: You said something about  
9 the dealer tags. I know at one time it was  
10 against the law to run a wrecker on a dealer  
11 tag. I don't have a dealer tag, but I was told  
12 they changed that. Is that true or not that a  
13 dealer can use his rollback with a dealer tag  
14 on it?

15 LT. HARDISON: Not for public safety  
16 towing you cannot. Towing wrecks and things he  
17 can deal with his own vehicles with a tag.  
18 This wrecker was running with a D tag and he  
19 was towing for hire. It had nothing to do with  
20 a dealership.

21 FROM THE FLOOR: I thought all you could  
22 do with a dealer tag was you couldn't tow stuff  
23 regular on the State of Virginia. I was at a  
24 DMV place and the \$300 and the guy in that  
25 class said you could tow to bring the car to

144

1 the seller but you could not haul a car on it  
2 legally.

3 FROM THE FLOOR: That's what I thought.

4 FROM THE FLOOR: I think I'm right.

5 LT. HARDISON: If there's a vehicle on  
6 there, they're towing one vehicle to be towed  
7 somewhere else to sell. That's been done  
8 before. Like they may tow a wrecker to

9                    somewhere else and drop it and leave it because  
10                    they don't have a way back and that's what they  
11                    use them for.

12                    FROM THE FLOOR: But you can't use it  
13                    every day on regular basis with a dealer tag.  
14                    You're supposed to go buy a regular truck tag,  
15                    just a regular T tag.

16                    LT. HARDISON: Correct.

17                    R. DRUMHELLER: Any other comments? For  
18                    those of you that doesn't know Daphne Phillips,  
19                    she is hiding way back up there in the far  
20                    corner. Daphne, would you stand up, please.  
21                    Daphne is the other part of our staff in  
22                    Richmond. She does a great job for us.

23                    J. M. COPELAND: And she just celebrated  
24                    her 39th birthday, I believe, this past  
25                    weekend.

145

1                    C. BROWN: Make it the 29th.

2                    J. M. COPELAND: I only go by what she  
3                    told me.

4                    FROM THE FLOOR: Fingerprinting and all  
5                    and how do we expect to get our license?

6                    J. M. COPELAND: Mr. Chairman, as I  
7                    indicated earlier in the meeting we expected to  
8                    be giving out the driver's authorization and  
9                    the license certification and the truck decals  
10                    in mid to late November. And again, that's  
11                    qualifying those who meet the criteria. If  
12                    there's any review that has to occur as a  
13                    result of something that is in the application

14 that's missing or something that comes up in a  
15 criminal background check that will occur, and  
16 the board will act on that and there will be  
17 notifications given to the individual as to the  
18 disposition of their application.

19 And, hopefully, you will all be receiving  
20 soon confirmations that your application has  
21 been received. And if there's anything  
22 missing, there will be an indication on that to  
23 say either your application is complete or  
24 something is missing and someone from the board  
25 will contact you -- or there is a shortage of

146

1 money or too much money. So we certainly get  
2 with notifying you of that and those should be  
3 coming within the next week to -- well, three  
4 to five days I think.

5 FROM THE FLOOR: Like do multiple drivers  
6 all send it to driving or come back to me and  
7 up to me to give to the different drivers? How  
8 will that do?

9 J. M. COPELAND: Mr. Chairman, the  
10 operator's license will come back to the  
11 address that's provided on the operator's  
12 license. Likewise, the driver authorization  
13 will go to those drivers at the address they  
14 have indicated on that application.

15 FROM THE FLOOR: Fingerprinting is it over  
16 with?

17 LT. HARDISON: Because they were out there  
18 for a whole hour with no one else had come in,  
19 I went ahead and sent them on. But you can go

20 to any local area office. And I can again only  
21 speak on behalf of the state, you can go to any  
22 local area office. They already have  
23 fingerprints cards there. I sent it out all  
24 over the state with my telephone number and  
25 call me direct. I can get you to them in just

147

1 a one- or two-day turnaround.

2 C. BROWN: Do you have any extra cards  
3 with you today, Marc.

4 J. M. COPELAND: If you need a card, we'll  
5 get you a card. And you can have that with  
6 you, and you get yourself printed either at the  
7 state police or a local office. Shouldn't be a  
8 problem.

9 C. BROWN: He has cards with some of the  
10 numbers so you can go to the sheriff's  
11 department -- you can go to the sheriff's  
12 department and get fingerprinted.

13 R. DRUMHELLER: Any other questions,  
14 comments?

15 FROM THE FLOOR: Can he do it or just the  
16 department?

17 J. M. COPELAND: Any law enforcement  
18 officer.

19 C. BROWN: Call them first. A lot of them  
20 do them.

21 J. M. COPELAND: Most of them could come  
22 by the store.

23 C. BROWN: Call them first and see. And  
24 other thing I would suggest is ask if they can

25

do -- if they have the life scan. It will

148

1 verify -- it's a legitimate print.

2 FROM THE FLOOR: Sergeant told me it will  
3 be a \$10 fee.

4 FROM THE FLOOR: \$10. You go to the city  
5 jail. You don't get all that ink on your  
6 hands.

7 C. BROWN: Curtis will tell you the print  
8 is legitimate. There's less of a chance of the  
9 card getting sent back and the state police may  
10 not be able to read the print in ink when it  
11 gets down there.

12 FROM THE FLOOR: If you go to Danville  
13 Sheriff's Department, they do it Wednesday and  
14 Friday.

15 C. BROWN: There you go.

16 FROM THE FLOOR: You mean, every year I  
17 got to pay \$440 every year to y'all?

18 C. BROWN: Fingerprinting part is every  
19 three years.

20 R. DRUMHELLER: Your license is every  
21 year.

22 FROM THE FLOOR: The license for the truck  
23 and for me?

24 G. TETER: For you.

25 FROM THE FLOOR: Smith Enterprises, how

149

1 much are the licenses going to be costing in  
2 North Carolina or towing in North Carolina or  
3 West Virginia or out of state?

4 R. DRUMHELLER: We have no idea.

5 FROM THE FLOOR: So we'll be paying \$3 -  
6 \$4,000 per year in licenses if we go into other  
7 states. I have a run of five states.

8 R. DRUMHELLER: Right. I know you can go  
9 into any other state.

10 FROM THE FLOOR: Yeah, I know now but  
11 after this right here.

12 C. BROWN: You can go in every state right  
13 now.

14 FROM THE FLOOR: This opened up a can of  
15 worms for everybody right now, too.

16 R. DRUMHELLER: Right now no bordering  
17 state has anything like this. If they do and  
18 they're compatible with our regulations, it  
19 will probably be reciprocal between the  
20 states.

21 FROM THE FLOOR: Okay. And if the board  
22 ain't got enough money next year, how much is  
23 it going to be next year?

24 R. DRUMHELLER: We're in hopes that after  
25 the first two years and we get the loan money

150

1 paid back, the fees will come down.

2 FROM THE FLOOR: We got that many towers?

3 R. DRUMHELLER: I hope so.

4 FROM THE FLOOR: And how are we suppose --  
5 and how much is this supposed to generate per

6 year?

7 J. M. COPELAND: I will answer that. We  
8 have estimated that revenues for this year will  
9 be approximately \$618,000. And that's based on  
10 20 percent noncompliance. Goes up a little bit  
11 more for the second year and certainly will go  
12 up further as years go out, even again assuming  
13 that there's very modest growth in the  
14 industry.

15 Again, the \$618,000 there is net because  
16 there's additional revenue that we're checking  
17 into for the processing. But the state police  
18 is going to cover their costs for processing.

19 R. MINER: Marc explain to them it's a  
20 self-funded board and it can't make money. And  
21 it has to be adjusted and looked at.

22 J. M. COPELAND: It certainly is a  
23 self-funded board. And again if there are  
24 overages, if there's money left over at the end  
25 of a particular year, those are ultimately

151

1 accounted for by the General Assembly. And  
2 they would certainly go back into the board for  
3 use initially. But if the board continues to  
4 have overages, those would probably be  
5 allocated to other areas.

6 And I'm just speculating but they could  
7 be allocated to other areas because as the  
8 money comes into the General Assembly, it's  
9 fund, and I don't know the -- to get into the  
10 accounting, but the bottom line is they come in  
11 to us but they're put into the Commonwealth

12 fund basically and the Commonwealth then allows  
13 to us to utilize what we brought in to fund our  
14 fund for operations.

15 C. BROWN: Marc, what I was getting at  
16 even if the finances are over or under we have  
17 to adjust the fees. That's required according  
18 to the Attorney General.

19 FROM THE FLOOR: Are we going to get a  
20 record of anything at the end of year.

21 J. M. COPELAND: As far as the revenue?

22 FROM THE FLOOR: What comes in and what  
23 y'all spent?

24 J. M. COPELAND: Oh, absolutely. We have  
25 to report every two years. Anyone that wants

152

1 to know what we brought in, we don't have any  
2 problem in letting you know. Mr. Miner might  
3 want to clarify. If we're exceeding our  
4 budget, if our budget is lower than what we're  
5 bringing in, then we certainly need to adjust  
6 the fees. There's no question about that. And  
7 I think it's everyone's expectation that that  
8 can occur after the first two years, if not  
9 sooner.

10 R. DRUMHELLER: Anything further?

11 FROM THE FLOOR: Paul's Diesel here in  
12 Danville. I would like to take this  
13 opportunity to thank the board for coming out  
14 and shedding some light on things that are  
15 going to happen. We have known about it for a  
16 while, and I think y'all are doing a great job.

17 And I thank you and appreciate y'all coming  
18 out.

19 R. DRUMHELLER: No problem. Is that it?  
20 We're done. Appreciate y'all being here.

21 (Meeting over at 9:25 p.m.)  
22  
23  
24

25 CERTIFICATE

153

1 COMMONWEALTH OF VIRGINIA )  
2 )  
3 COUNTY OF PITTSYLVANIA )

4

4 I, Sheryl Smith, Registered Merit Reporter and  
5 Notary Public in and for the Commonwealth of Virginia  
6 certify that said hearing was taken before me at the time  
7 and place set forth and was taken down by me in shorthand  
8 and thereafter reduced to computerized transcription  
9 under my supervision, and I hereby certify the foregoing  
10 deposition is a full, true and correct transcript of my  
11 shorthand notes so taken.

12 I further certify that I am neither counsel for nor  
13 related to any party to said action, nor in any way  
14 connected with the action, nor am I financially  
15 interested in the action.

16

17 Dated this 15th day of November, 2008

18

19

20 \_\_\_\_\_  
Sheryl Smith  
Registered Merit Reporter

21

22

23

24

25